News Headline: EPA Issuing Carbon-Limits Guidance Soon, Chief Says | U

Outlet Full Name: Bloomberg BusinessWeek - Online

News OCR Text: (Adds Rockefeller spokeswoman's comment starting in the fifth paragraph.)

Sept. 14 (Bloomberg) -- The U.S. Environmental Protection Agency will issue guidance soon that states and polluters may use to implement the agency's new greenhouse-gas regulations, Administrator Lisa Jackson said.

The guidelines will ensure that complying with the rules "is practical and is manageable," Jackson said today at a conference in Washington celebrating the 40th anniversary of the Clean Air Act.

The EPA is using the 1970 law to establish national limits on carbon dioxide and greenhouse gases implicated in climate change. The first phase is set to start Jan. 2. Lawmakers led by Senator Jay Rockefeller, a West Virginia Democrat, want to postpone EPA action, saying the rules will hurt businesses and consumers grappling with a sluggish economy.

Senate Majority Leader Harry Reid, a Nevada Democrat, said today that he would schedule a vote on Rockefeller's bill "before we leave here."

Rockefeller is "aggressively pursuing" a two-year delay of the greenhouse-gas regulations for industrial sources such as power plants because "the unelected EPA" shouldn't get ahead of Congress, Jamie Smith, the senator's communications director, said in an e-mail.

The American Chemistry Council and the American Petroleum Institute urged senators today to delay greenhouse-gas regulations for power plants, refineries and factories for as long as three years.

The Senate Appropriations Committee overseeing EPA's budget should slow the agency's regulatory action to give Congress time to find an alternate approach, the groups said in a letter to the panel.

The committee today canceled a Sept. 16 hearing to consider the agency's budget.

Obama Pledge

Legislation to cap carbon pollution passed the U.S. House of Representatives in 2009 and then stalled in the Senate. President Barack Obama pledged to move ahead on carbon regulations through the agency should Congress fail to act.

Business groups including the U.S. Chamber of Commerce are suing the EPA over the rules, saying the agency has no authority to regulate greenhouse gases under the Clean Air Act.

The law has a 40-year record of defying critics who say regulations to cut pollution damage the economy, Jackson said today. She vowed to move forward on carbon rules.

"We aren't going to fall victim to another round of trumped-up doomsday predictions," said Jackson, 48. "We have four decades of evidence that the choice between our environment and our economy is a false choice."

She said one of the EPA's guiding principles in establishing rules based on the Clean Air Act is to "set the standards that make the most sense" and not burden small businesses.

--With assistance from Simon Lomax, Lisa Lerer and Jim Snyder in Washington. Editors: Larry Liebert, Steve Geimann

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News Headline: New Report on 'Green' Recycling Industry Exposes Unregulated Toxic Air Pollution Threat | U 🖂

Outlet Full Name: Charlotte Business Journal - Online

News OCR Text: California Agency to be First in the Nation to Regulate Toxic Air Pollution from Industry

EL CERRITO, Calif., Sept. 16 /PRNewswire-USNewswire/ -- A new report by a leading California Environmental Justice group, Global Community Monitor (GCM), has uncovered a potentially massive problem from the nation's billion dollar metal recycling industry. The report finds that metal recycling, generally considered a green industry, both releases toxic air contaminants during processing operations and is currently unregulated. In response to independent air testing done by GCM and neighbors of several scrap metal facilities in California, the San Francisco Bay Area Air Quality Management District may become the first agency in the nation to draft a rule to regulate toxic emissions from these facilities.

"Recycling scrap metal is generally good for the environment, but it can also create serious air pollution and health threats to neighbors," said Denny Larson, Executive Director of GCM. "Independent air testing by neighbors downwind of several scrap metal recyclers and foundries has revealed high levels of toxic metals and gases. Somehow this national toxic threat has escaped regulation from EPA and air pollution control agencies, despite years of community complaints."

The new report, Green Industry? Under the Radar: Air Pollution from Metal Recyclers, identifies more than 40 scrap metal

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recyclers and foundries in the San Francisco Bay Area that potentially release metal particles and gases while pre-processing materials for recycling. Nationally, since 2002 scrap metal recycling has grown dramatically. Overall, the scrap industry processes more than 131,541,787 tons of recyclable material each year into raw material feedstock for industrial manufacturing around the world. In 2007 the United States exported over 10 billion dollars worth of scrap steel alone.

At many metal recycling facilities, scrap metal varies in form. Car engine blocks, refrigerators, old electrical wiring and air conditioners are cut, stripped and bundled into large bales in the open air. Non-metal substances, such as paints and volatile gases, are often removed from the metals and can be blown into the surrounding community by the wind.

Independent air testing has identified cancer causing metal particles escaping from the operations. One air sample showed the banned chemical Freon 113, which may have been released from breaking up of old refrigeration equipment to recover the metals. GCM is spearheading efforts to require comprehensive air pollution controls at recycling facilities.

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News Headline: AIR POLLUTION: EPA finalizes rejection of 3rd Texas permitting program | UM

Outlet Full Name: Greenwire

News OCR Text: With its third rejection of a Texas air permitting program this year, U.S. **EPA** today opened the door for another legal challenge to the agency's authority to make states fall into line.

With a notice in today's Federal Register, EPA formally rejected elements of the New Source Review program implemented by the Texas Commission on Environmental Quality. The final decision sets a 60-day deadline for lawsuits, and Texas Attorney General Greg Abbott (R) will likely challenge the decision.

Abbott, who previously filed lawsuits in federal court after EPA rejected Texas' system of "flexible" air pollution permits and the state's "qualified facilities" program, has described his resistance as an effort to "defend the state's legal rights and challenge improper overreach by the federal government" (Greenwire, June 15).

EPA claims that the state's permitting programs have allowed more emissions than allowed by federal rules and that the permitting process did not allow enough public scrutiny of proposed permits.

"Today's action represents EPA's firm commitment to uphold the law and to work to protect public health, while working with permit holders and applicants to obtain the necessary permits they need to comply with the law," the agency said upon announcing plans to reject the program.

EPA had gone years without making an up-or-down decision on the programs until business groups, worried about operating under permits that did not have federal approval, reached a settlement with the agency. With Gov. Rick Perry (R) brushing up against an aggressive Obama administration, many experts expect a prolonged legal battle between the state and federal agencies.

"We have not even begun to use the strongest tools available under the Clean Air Act," EPA Region 6 Administrator Al Armendariz said last month Greenwire, Aug. 10).

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News Headline: EPA: Feeling heat on climate, agency celebrates its past | ⊎ ⊠

Outlet Full Name: Greenwire

News OCR Text: If the Clean Air Act were human, it would now be entering middle age. But while the statute has moved into a strange new phase of life with the Obama administration using it to take on the daunting challenge of climate change, there's no reason for a midlife crisis, current and former U.S. **EPA** officials said yesterday during a symposium honoring the statute's 40th birthday.

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News Headline: Hedrick touts Clean Air Act at rally | U

Outlet Full Name: Press-Enterprise - Online

News OCR Text: CORONA: Congressional campaigns trade jabs about environment and jobs.

The Press-Enterprise

Congressional candidate Bill Hedrick accused his opponent Wednesday at a rally on the anniversary of the Clean Air Act of obstructing environmental progress.

Hedrick stood beneath a flagpole at a Corona park campaigning on the 40th anniversary about cleaner air and more jobs for the Inland area.

Hedrick is the Democratic challenger running against Rep. Ken Calvert, R-Corona, for the 44th District seat. Hedrick spoke at Santana Regional Park on the anniversary of the Clean Air Act, which first passed in 1970.

Hedrick accused Calvert of obstructing recent efforts by the Environmental Protection Agency to curb carbon emissions by voting last week with six other members of Congress against enforcement of the Clean Air Act.

"We need to move forward with air quality and not take a step back," Hedrick said. "We need to let the Clean Air Act do its job."

Calvert's campaign consultant Scott Hart called the allegation ridiculous, saying the congressman's record in support of the Clean Air Act stands for itself.

"He's worried about the Clean Air Act with 15 percent unemployment?" Hart asked, referring to Hedrick. "He (Calvert) has been working in the forefront, working to clean the air in the district."

Calvert has been focusing on employment and other pressing issues related to the struggling economy, Hart said.

When asked what Hedrick would do to promote the Clean Air Act, he said he would step aside and allow the EPA to do its job. He said the Inland area has benefited greatly from the federal law, but has a lot of air-quality improvement work to do, especially in areas such as Mira Loma.

Josh Vasquez, who attended the rally, said he didn't stop by to discuss environmental issues but wanted to learn about Hedrick's stance on education. Vasquez is a peer mentor for Upward Bound program which helps students complete high school and college.

Hedrick briefly addressed the need for jobs in the Inland area, saying UC Riverside produces excellent research but exports development that should be retained to create local jobs.

"We have a tremendous resource here," Hedrick said about UCR. "We need to return balance to the Inland valley."

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News Headline: U.S. Chamber Challenges EPA Action on Texas' Air Authority | U.S.

Outlet Full Name: Environmental Protection - Online

News OCR Text: The U.S. Chamber of Commerce filed a petition for judicial review of the U.S. Environmental Protection Agency's decision to take away the authority of the state of Texas to issue air quality permits to manufacturers, refiners, and other industrial facilities operating in the state.

'The EPA has pulled the rug out from under Texas businesses by challenging a permitting program that has been in place for 16 years,' said Robin Conrad, executive vice president of the National Chamber Litigation Center (NCLC), the U.S. Chamber's public policy law firm. 'The agency's decision leaves a wide range of Texas businesses in regulatory limbo and threatens to stunt the state's economic recovery.'

The Clean Air Act requires all states to develop a permitting plan to meet federal air quality standards. In compliance with the law, 16 years ago Texas launched a flexible permitting program that caps emissions from an entire facility rather than from each individual source. The Texas permitting program provides businesses with much-needed flexibility to reduce emissions by the most cost-effective means. The Chamber's lawsuit challenges a final rule, issued by EPA last July, disapproving the Texas permitting program and demanding that businesses submit their permit requests directly to the already overburdened federal agency.

'The EPA is trying to fix something that's not broken,' said Conrad. 'The state's flexible permitting program has served Texas residents and businesses well for the last 16 years. Now the agency wants to change the rules in the middle of the game.'

NCLC is the public policy law firm of the U.S. Chamber of Commerce that advocates fair treatment of business in the courts and before regulatory agencies.

The U.S. Chamber of Commerce is the world's largest business federation representing the interests of more than 3 million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations.

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News Headline: EPA: Pace of Clean Air Act rulemakings turns heads, draws lawsuits | U 🔀

Outlet Full Name: Greenwire

News OCR Text: The Obama administration is in the midst of a landmark series of Clean Air Act rulemakings.

In 18 months, U.S. EPA has -- among other things -- stiffened standards for sulfur dioxide and nitrogen dioxide for the first time in decades, revamped the George W. Bush administration's smog regulations and issued the first climate rules under the Clean Air Act.

And that is just the beginning. EPA is expected to lay out additional plans for the Clean Air Act today as it marks the law's 40th birthday in a gathering of former agency administrators, industry officials, environmentalists and lawmakers.

The agency's use of the law has drawn criticism from industry and praise from environmentalists. Conservatives say President Obama's EPA is stretching the air pollution law to meet political objectives. Industry attorney Joe Stanko said EPA's use of the

Clean Air Act to regulate heat-trapping carbon dioxide and other greenhouse gases is a case of a "square peg in a round hole."

"The act was never meant to regulate a pollutant emitted in the quantities of CO2, especially when no control technology exists," Stanko said in an interview.

Added former Bush EPA air chief and now industry attorney Jeff Holmstead, "The aggressiveness of the rules has taken people by surprise."

Dozens of industry groups, states and others have filed lawsuits challenging EPA's efforts to clamp down on greenhouse gases from industrial facilities next January, when the agency's rules will formally kick in.

Holmstead also pointed to EPA tightening the air quality standards for sulfur dioxide and nitrogen dioxide and plans to strengthen the ozone standard. EPA is required by the Clean Air Act to set allowable limits for those and three other pollutants: lead, carbon monoxide and particulate matter.

"I can't think of any administration that has ever revised more than two of those," Holmstead said, noting that the Clinton administration tightened standards for both fine particles and ozone.

The Obama administration, he added, "has basically said, 'We're going to review them all, and we're going to make them all more stringent."

But the Obama EPA says it is merely complying with the guidelines laid out in the Clean Air Act. The law lays out timetables requiring EPA to periodically review standards and update them if necessary to protect public health and welfare. Several other EPA rules came in the wake of court decisions tossing out George W. Bush-era rules and the 2007 U.S. Supreme Court decision that gave EPA the authority to regulate greenhouse gases as a pollutant under the act.

"The Obama administration inherited a total mess," said Frank O'Donnell, president of the advocacy group Clean Air Watch.
"Virtually everything done by its predecessor was struck down by the courts because it was illegal." O'Donnell pointed to two Bush administration rules to curb power plant pollution and its fine particle standards, all of which were either tossed out or sent back to the agency by a federal court.

"They have tried scrupulously to follow the advice of the science advisers and make sure that their actions are based on the best science as well as the public health needs," O'Donnell said. "On top of that, they also inherited unfinished business on greenhouse gases."

Comparisons to 1990 overhaul

The administration's rulemaking sprint has some observers drawing parallels to the years following the Clean Air Act amendments of 1990, the latest major overhaul to the law that sparked a series of major clean air reforms.

"While the [Obama] administration will point to mandates from several court cases, the sheer number and breadth of regulatory actions are almost unprecedented since the implementation of the '90 amendments," Stanko said.

The 800-page 1990 amendments -- shepherded by the administration of George H.W. Bush -- addressed a wide range of air pollution problems from acid rain to air toxics, automobile tailpipe emissions and depletion of the Earth's stratospheric ozone layer.

An EPA study completed near the end of the Clinton administration showed that the health benefits of the 1990 amendments exceeded their costs by a margin of four to one. The study projected that the health and environmental benefits would total about \$110 billion by 2010, compared with about \$27 billion in estimated costs.

Bill Rosenberg, who served as EPA's air chief under George H.W. Bush, said those amendments set the stage for vast improvements that followed. And he disputed the notion that the Obama administration has been more aggressive on clean air than its predecessors.

"There's been a real steady progress in my view and throughout many administrations," Rosenberg said. "I wouldn't say this one has done more or less than others, but they certainly have made nice improvements."

Rosenberg said the Obama administration's most noteworthy clean air achievement has been issuing standards aimed at boosting motor vehicle efficiency.

And while the administration has taken steps to tackle greenhouse gas emissions, Rosenberg noted that those rules have not yet been implemented. "Most of the carbon initiatives are unfinished business," he said.

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News Headline: Greens launch new campaign to protect EPA climate regs | U 🖂

Outlet Full Name: Hill - Online, The News OCR Text: - 09/15/10 01:48 PM ET

Environmentalists are launching a new ad campaign Thursday designed to defeat efforts to delay or block Environmental Protection Agency (EPA) climate regulations ahead of expected Senate debate this year after the elections.

The six-figure television ad buy from the Clean Energy Works campaign — a coalition of about 80 groups — argues that some lawmakers "are getting squeezed by the special interests again, trying to delay action and give polluters free reign to keep

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dumping toxic pollution into the air." The 30-second ad blames lawmakers for "letting Big Oil lobbyists get their way," and says that "Washington politicians need to get off the dime and not let corporate polluters off the hook."

The ad will run for about a week and will be coupled with grassroots activity, including letters signed by small business and public health groups that would be sent to congressional leaders by early next week, spokesman David Di Martino said. The coalition is also circulating a petition it hopes will garner hundreds of thousands of signatures, he said.

The effort is the latest volley in what has become the top environmental fight Congress is likely to engage in before the end of the year.

A powerful lobby of two dozen industry trade associations — including the U.S. Chamber of Commerce, the American Petroleum Institute, the National Mining Association and the National Association of Manufacturers — sent joint letters Tuesday to House and Senate appropriators to argue that "the appropriations process can ensure that the potentially damaging impacts of EPA's rules are postponed for a two or three year period pending Congressional action."

The Senate Appropriations Committee had been expected on Thursday to markup an EPA spending bill likely to feature debate of a Republican amendment denying funds to EPA next year for regulating greenhouse gas restrictions for power plants and other large industrial sources.

That markup has since been postponed and no new date has been announced.

Democrats on the panel that would normally support efforts to delay EPA climate regulations are not expected to support an effort to do so in the spending debate, opting instead to take Senate Majority Leader Harry Reid (D-Nev.) at his word and debate a measure separately on the Senate floor.

Reid on Tuesday reiterated to reporters that he intends to fulfill his promise to Sen. Jay Rockefeller (D-W.Va.) and hold a vote during a post-election lame-duck session this year.

http://thehill.com/blogs/e2-wire/677-e2-wire/118975-greens-launch-new-campaign-to-protect-epa-climate-regs

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News Headline: Deadline set for Texas refiners on air rules | U X

Outlet Full Name: Houston Chronicle - Online

News OCR Text: Only a fraction of Texas refiners and chemical and plastics makers holding so-called flexible permits for air pollution are taking steps to bring them into compliance with federal requirements. The response ? or lack of one - in the two months since the Environmental Protection Agency disapproved the way Texas regulates air pollution for 130 industrial plants has prompted the federal agency's regional administrator to set a December deadline for the companies to begin resolving their permits.

Al Armendariz, the EPA's top official in Texas, said his goal is for everyone to have permits that meet federal standards. But if they don't move to fix their permits, then the EPA's enforcement wing will take action against the companies, starting with the largest polluters and those located near low-income and minority communities.

"I don't like to threaten anyone," he said. "But this job is narrowly tailored to implement the law. They'll be on a special list, and I'll let them know that holding onto their flexible permits puts them at risk."

At issue is the state's use of flexible permits, which requires refineries, chemical plants and other facilities to meet an overall emissions cap but allows them to choose how to do so. Federal rules, however, require plants to limit emissions of certain pollutants from each source within a facility.

In effect, the EPA argues, Texas' flexible permits are practically unenforceable and allow plants to emit more than similar facilities in other states. But state officials say the program cuts red tape and pollution without violating federal law.

Since the decision, a dozen companies have worked with the EPA to bring their permits into compliance, while others have gone into attack mode, joining the state in a lawsuit against the federal agency. Most, however, have stayed on the sideline, waiting for some clarity in a matter that could take years to resolve.

"No one knows who's in charge and what the rules are, so the best thing is probably to sit back and see what happens," said Jed Anderson, a Houston attorney who represents industry on air quality issues.

"Many people undoubtedly feel that they will keep out of the 'cat fight' as much as possible since it's probably a lose-lose proposition if they get involved." Anderson said. "Much better and safer just to sit back at a safe distance and watch what happens - then react if need be."

Armendariz recently told the Texas Chemical Council at a meeting in Houston that the time for waiting is over. He presented options to the companies, including an offer for a third-party audit to set unit-specific emissions limits in exchange for some legal protections for them.

Refiners and others also could negotiate unit-specific limits with the EPA, which would request lower plant-wide emissions in return, he said.

"This is a big priority," he said. "I don't want to hand this problem over to the next administrator. I want all of them to have good

permits."

The Texas Commission on Environmental Quality, meanwhile, is developing a third option, which would result in unit-specific limits. The agency issues permits on behalf of the EPA, but the EPA decides whether the permits are in compliance with federal law.

If the new program meets federal requirements, then the EPA will not object to the state-issued permits or seek to federalize them, like it did with the Chevron Phillips Chemical Co.'s Baytown plant and two others this summer, Armendariz said.

So far, however, state and federal regulators have been unable to agree on changes to the permits .

Meanwhile, the owners and operators of at least nine refineries and chemical plants have asked the TCEQ to revise their flexible permits under existing rules. Valero Energy Corp., Chevron Phillips and others say they want to "de-flex" their permits in order to bring regulatory certainty to their operations.

Valero, for example, has asked TCEQ to set limits for each emissions source at the Texas City refinery, but to leave the rest of the permit alone.

While the San Antonio-based company contends that flexible permits meet federal standards, it made the request "in an abundance of caution," Sal Viscontini, Valero's senior vice president and general manager, wrote to the TCEQ in July.

"It's created a lot of uncertainty in the industry, and this isn't a good time for uncertainty because of the economic downturn," Valero spokesman Bill Day said of the EPA rejection of flexible permits. The refiner "moved quickly to find something that would protect its employees and plants from this uncertainty."

Environmentalists see the move as an acknowledgement that the permits don't meet federal requirements, butthey want the state officials to shelve the companies' requests until the EPA and state have reformed the permitting process.

"It's in the public interest to hit the pause button," said Ilan Levin, an attorney for the Environmental Integrity Project, which has sued two Texas coal plants over their flexible permits.

The EPA agrees.

But the TCEQ said that in the absence of a federally approved process, the state would continue to approve revisions to flexible permits if they meet its rules.

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News Headline: Report: 80% of States on Track for Greenhouse Gas Permitting, Enforcement | ⊌ ⊠

Outlet Full Name: New York Times - Online

News OCR Text: Most states are preparing to implement U.S. EPA's climate rules in January, according to an analysis released today, but uncertainties remain as some states hustle to change their regulations in time and others flatly refuse to.

A blog about energy and the environment.

Nearly 80 percent of states have indicated that they will be ready to issue greenhouse gas permits for large industrial sources by Jan. 2, when EPA's climate rules formally kick in, according to a survey (pdf) 'The truth is, the overwhelming majority of states are taking this very seriously and are moving full speed ahead to ensure that their permitting programs include greenhouse gases and exclude smaller sources from greenhouse gas permitting,' said NACAA Executive Director Bill Becker. NACAA represents state and local air pollution control agencies across the country.

Some states, like Pennsylvania, expect to have no trouble at all imposing the new federal rules, according to the NACAA analysis. Pennsylvania has the authority to apply EPA's determination of when greenhouse gases become subject to regulation under its permitting programs.

Many others must change laws and regulations that don't allow for the regulation of greenhouse gases or don't comply with EPA's plans to regulate only the largest emitters of heat-trapping emissions under its so-called 'tailoring rule.' The tailoring rule seeks to substantially raise the Clean Air Act's permitting thresholds for greenhouse gases from the current limits that many states must change in their own laws and regulations. The thresholds for 'conventional pollutants' like lead and sulfur dioxide are 100 or 250 sources a year, but EPA says those limits are not feasible for greenhouse gases, which are emitted in much larger quantities.

Of the states that need to make changes, many expect to comply in time, barring any hiccups. Virginia, for example, needs to revise its regulations to incorporate the tailoring rule thresholds, but regulators plan to complete the process by the January deadline.

But others won't revise their rules in time. **EPA** estimated last month that 13 states were not prepared to regulate the heat-trapping emissions from stationary facilities and asked other states to comment as to whether they could meet the January deadline. The states were Alaska, Arizona, Arkansas, California, Connecticut, Florida, Idaho, Kansas, Kentucky, Nebraska, Nevada, Oregon and Texas.

Wyoming Gov. Dave Freudenthal (D) has also told EPA that his state won't be able to meet the deadline (Greenwire

EPA last month issued a draft rule that seeks to allow for states that are not prepared to revise their regulatory programs and a separate proposal that would allow EPA to take over permitting requirements for states that do not revise their programs in time (E&ENews PM

That proposal has drawn the ire of a handful of states and industry groups. Officials in Texas and Arizona are staunchly opposing EPA's plans to force states into compliance with the controversial climate regulations.

In an Aug. 2 letter sent to EPA Administrator Lisa Jackson and EPA's Dallas-based Region 6 Administrator Al Armendariz, Texas Commission on Environmental Quality Chairman Bryan Shaw and Texas Attorney General Greg Abbott (R) said that Texas 'has neither the authority nor the intention of interpreting, ignoring, or amending its laws in order to compel the permitting of greenhouse gas emissions' (Greenwire Ben Grumbles, director of Arizona's Department of Environmental Quality and former EPA water chief under President George W. Bush, has also asked EPA to reconsider its implementation plans. 'ADEQ does not agree that EPA's position has resulted in Arizona's program becoming inadequate,' Grumbles wrote in an Aug. 27 letter (pdf)

Click here (pdf)

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News Headline: Feeling Heat on Climate, EPA Celebrates Its Past | 🗓 🔀

Outlet Full Name: New York Times - Online

News OCR Text: If the Clean Air Act were human, it would now be entering middle age.

A blog about energy and the environment.

But while the statute has moved into a strange new phase of life with the Obama administration using it to take on the daunting challenge of climate change, there's no reason for a midlife crisis, current and former U.S. EPA officials said yesterday during a symposium honoring the statute's 40th birthday.

Since the passage of the Clean Air Act, EPA's regulations have produced \$40 in public health and environmental benefits for every \$1 they have cost the economy, Administrator Lisa Jackson told an audience of agency veterans, business leaders and environmental advocates. The statute has been 'particularly effective at proving lobbyists wrong,' she said. 'Say what you want about EPA's business sense,' Jackson said, 'but we certainly know how to get a return on our investment.' Speakers predicted that the agency will face an unprecedented struggle in its effort to address heat-trapping carbon dioxide, which one longtime official described as the 'mother of all pollutants.' Still, many were optimistic that the private sector will find solutions.

Bill Ruckelshaus, who was appointed by Richard Nixon as EPA's first administrator, reminisced about the intensity of business opposition at the beginning of his tenure. When he spoke before an audience of automotive industry executives at the Detroit Economic Club, Ruckelshaus said, he was introduced as 'the best friend of American industry since Karl Marx.' But the invention of the catalytic converter allowed the auto industry to comply with EPA's first standards on emissions from cars. When the agency phased out refrigerants that were depleting the ozone layer, new technology was developed, so the predicted shutdown of freezers and air conditioning units never happened. 'The Clean Air Act has caused enormous positive effects on this society,' Ruckelshaus said. 'It has cost us money, yes, and it has resulted in an intrusion into a manufacturing process that certainly to say the least was not used to that kind of governmental intrusion, but the effect on public health has been overwhelming.' During a program spent reflecting on the successes and challenges of the Clean Air Act, it remained clear that fears of economic harm will continue. Decrying the significant burden of climate rules at a time of economic suffering, a coalition of 24 business groups pressured EPA yesterday by urging appropriators in both houses of Congress to put the brakes on the agency's regulations.

The letter (pdf), signed by groups such as the American Chemistry Council, the American Petroleum Institute and the National Association of Manufacturers, asked for a two- or three-year delay on stationary sources of greenhouse gas emissions.

The Senate Appropriations Committee yesterday canceled a vote on EPA's budget that had been scheduled for tomorrow. Critics of greenhouse gas regulations were expected to introduce amendments limiting or delaying the agency's climate rules (E&ENews PM 'State implementing agencies have no guidance on issuing the required permits, the measures needed to comply are not known, and both state implementing agencies and covered commercial facilities will be left in a bind,' the letter to the Senate spending panel said. 'There is the very real prospect that investments by businesses across the entire economy -- the investments that will drive economic recovery and job creation -- will be delayed, curtailed or, even worse, cancelled.' Permitting guidelines due 'shortly'

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Jackson refuted predictions from industries and some state officials that greenhouse gas permitting requirements will cripple industries and spark a regulatory nightmare.

Starting in January, EPA will require some industrial sources to install the 'best available control technology,' or BACT, to curb their emissions under the Clean Air Act's New Source Review program, but states and industries are still waiting for guidance from the agency about what that will be for various sectors. 'A guidance document that EPA will issue shortly will assist states and the small number of sources covered in completing the permitting process in a manner that is practical and manageable,' Jackson said yesterday.

State regulatory authorities will use the guidance to determine how new stationary sources and those proposing upgrades will need to limit their greenhouse gas emissions. Many observers expect the guidance to promote new efficiency standards, as opposed to recommending fuel-switching or as-yet-unproven control technologies.

Despite the fears of industry, EPA will avoid taking a 'reckless and irresponsible' approach to climate regulations, Jackson said. 'Today's forecasts of economic doom are almost identical, word for word, to the doomsday predictions of the last 40 years,' she said. 'This broken record continues despite the fact that history has proven the doomsayers wrong again and again.' Click here (pdf) to read the letter to appropriators.

Reporter Robin Bravender contributed.

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News Headline: Official: EPA, Texas working on permit solution | U 🖂

Outlet Full Name: San Jose Mercury News - Online

News OCR Text: HOUSTON—The Environmental Protection Agency will soon help Texas petrochemical companies comply with the Clean Air Act after it rejected the state's industrial permitting program, the agency's regional director said Tuesday.

The federal audit program, however, is only a first step toward resolving the environmental dispute that gained steam in June when the EPA determined Texas' so-called flexible permits violated federal law. That move put in operational limbo more than 120 petrochemical plants, including some of the nation's largest refineries.

"We're making progress," EPA regional director Al Armendariz told The Associated Press. "But we aren't there yet and we still have some substantive issues to resolve between the two agencies."

Armendariz said the EPA would make public the details of the audit program in the "coming days."

The program will allow companies to work directly with the federal agency to learn what fixes they need to make to meet Clean Air Act requirements while guaranteeing them forgiveness for any past pollution violations.

Despite months of talks, letters Armendariz recently sent to the Texas Commission on Environmental Quality underscore that significant obstacles remain.

Industry leaders have received an invitation from the EPA to attend a meeting on Thursday with federal and state officials, said Pam Giblin, an environmental attorney for Baker Botts, a firm that represents dozens of petrochemical companies.

As the dispute gained steam earlier this year, it escalated from an argument over environmental issues into a pitched battle over state's rights. Texas Gov. Rick Perry, running for a third term against Democratic nominee Bill White, has used the dispute with the EPA as an example of how the federal government and the Obama administration are overreaching and meddling in Texas affairs.

"It's made for TV," said Robert Stein, a political scientist at Rice University.

At the crux of the dispute are Texas' flexible permits, which set a general limit on how much air pollutants an entire facility can release. The federal Clean Air Act requires state-issued permits to set limits on each of the dozens of individual production units inside a plant.

The EPA says Texas' system masks pollution and makes it impossible to regulate emissions or protect public health. Texas had been issuing the permits since 1994, even though it never received the required federal approval.

The TCEQ has challenged the EPA's ruling in court. On Tuesday, Chairman Bryan Shaw insisted the permits were legal and that Texas could win its court battle. Still, he acknowledged the state agency was trying to reach agreement with the EPA.

"We're making progress in bits and spurts," Shaw said, adding that he is concerned the EPA's demands for revamping the program could force some industries to shut down completely, though he could not give any specific examples.

The sides have been discussing several possibilities, Shaw said, but declined to elaborate on what they are.

But a letter Armendariz wrote to Shaw on Aug. 30 detailed the remaining problems. In the letter, Armendariz referred to an Aug. 2

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note that cited "major concerns" with Texas' proposals.

"I must be frank that the demonstration required for a new flexible permitting program to get approval will not be easy if the new program has common elements of ... the prior program that we just disapproved," Armendariz wrote.

Asked about this letter and Shaw's insistence that the flexible permit program does not violate the Clean Air Act, Armendariz said any company that chose to hang onto its flexible permit would be risking enforcement action by the EPA.

"I think they understand I'm serious," Armendariz said. "Only the most ill-advised companies will elect to hold onto their permits."

Texas industry—under the banner of the Business Coalition for Clean Air and represented by Baker Botts—pressed the issue with a lawsuit in 2008 that demanded the EPA rule on several items that had been in limbo for years.

Industry wants "predictability," Gilbin said.

"Just tell us ... yay or nay," Gilbin said. "We're all very anxious to see what EPA is proposing."

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News Headline: NOAA head: Scientists' work on Gulf spill far from done | U 🖂

Outlet Full Name: Anchorage Daily News - Online

News OCR Text: WASHINGTON - More than a week since a second university research cruise found oil on the bottom of the Gulf of Mexico, the head of the National Oceanic and Atmospheric Administration said Wednesday that teams of academic and federal scientists would make an aggressive effort to search for oil "from the surface to the sea floor."

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News Headline: NOAA head: Scientists' work on Gulf spill far from done | U

Outlet Full Name: Fort Worth Star-Telegram - Online

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News Headline: Scientists' work on Gulf spill is far from over | U 🔀

Outlet Full Name: Fort Worth Star-Telegram - Online

News OCR Text: By Renee Schoof

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News Headline: NOAA head: Scientists' work on Gulf spill far from done | U M

Outlet Full Name: Fresno Bee - Online

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News Headline: NOAA head: Scientists' work on Gulf spill far from done | ⊎ ⊠

Outlet Full Name: Kansas City Star - Online

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News Headline: NOAA head: Scientists' work on Gulf spill far from done | U

Outlet Full Name: Lexington Herald-Leader - Online

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Researchers confirm subsea Gulf oil plumes are from BP well

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ST. PETERSBURG, Fla. — Through a chemical fingerprinting process, University of South Florida researchers have definitively linked clouds of underwater oil in the northern Gulf of Mexico to BP's runaway Deepwater Horizon well — the first direct scientific link between the subsurface oil clouds commonly known as "plumes" and the BP oil spill, USF officials said Friday.

Until now, scientists had circumstantial evidence, but lacked that definitive scientific link.

The announcement came on the same day that the National Oceanic and Atmospheric Administration announced that its researchers have confirmed the existence of the subsea plumes at depths of 3,300 to 4,300 feet below the surface of the Gulf. NOAA said its detection equipment also implicated the BP well in the plumes' creation.

Where's the oil? On the Gulf floor, scientists say

Far beneath the surface of the Gulf of Mexico, deeper than divers can go, scientists say they are finding oil from the busted BP well on the sea's muddy and mysterious bottom.

Oil at least two inches thick was found Sunday night and Monday morning about a mile beneath the surface. Under it was a layer of dead shrimp and other small animals, said University of Georgia researcher Samantha Joye, speaking from the helm of a research vessel in the Gulf.

The latest findings show that while the federal government initially proclaimed much of the spilled oil gone, now it's not so clear.

NOAA confirms oil floating beneath Gulf's surface

Researchers confirmed Tuesday that oil is floating as deep as 3,300 feet below the surface of the Gulf of Mexico in layers that may pose unprecedented challenges to efforts to clean up the effects of the spewing BP Deepwater Horizon well.

Jane Lubchenco, the head of the National Oceanic and Atmospheric Administration, said oil in "very low concentrations" was found at varying depths 40 miles and 42 nautical miles northeast of the well and also 142 nautical miles southeast of the well.

Only the oil found on the surface 40 miles from the well could be confirmed as having come from the BP spill. The oil found 142 miles from the site was unlike the BP oil, Lubchenco said, while other samples were in concentrations too low to determine their origins.

Transcript of Adm. Thad Allen's July 27 briefing on the BP oil disaster

This is the transcript of retired Coast Guard Adm. Thad Allen's briefing Tuesday, July 27, on the BP Deepwater Horizon oil disaster. He was joined at the briefing by Dr. Jane Lubchenco, the administrator of the National Oceanic and Atmospheric Administration. The transcript was provided by the Deepwater Horizon Incident Joint Information Center.

2:00 p.m. EDT

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Outlet Full Name: Miami Herald - Online, The

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No oil has flowed from the well since July 15, and last week, Allen pronounced it no longer a threat to the Gulf. Still, Allen has said completing the relief well is the only permanent way to kill the well. Allen said that's now expected to happen within 96 hours, or by 11 a.m. EDT Sunday, five months after the April 20 explosion that caused the disaster.

Lubchenco, meanwhile, promised that scientists would do "everything it takes for as long as it takes" to find the oil and restore habitat.

She also said that "we really do need the best scientists in the country" to account for the oil, learn what its impact would be on marine life, and guide actions to restore the region.

Recent findings of oil on the bottom were important, and looking for oil in the sediment would be a key part of future research cruises, Lubchenco said.

University of Georgia marine sciences professor Samantha Joye reported on her Gulf Oil Blog on Sept. 6 that her research team on the vessel Oceanus had taken sediment samples that showed fresh oil that was clearly not from natural seeps. In at least one sample the oil was about two inches thick.

A University of South Florida research cruise in August was the first to find oil on the sediment of the Gulf floor.

Joye's findings "confirm what we initially suggested, which was that there's oil on the sediment and it's widely distributed to the northeast of the wellhead," said David Hollander, a USF chemical oceanographer who was the lead scientist, in an interview.

The area is in a "dead spot in the circulation," where there are low amounts of currents and so sediments tend to settle, Hollander said. It's also one of the areas where the scientists earlier found oil plumes.

A major flaw of NOAA's August account of what happened to the oil was that it didn't take into account what might have settled to the bottom, he said.

Hollander said one of the intriguing things about his team's finding in August was that the oil was on the edge of the continental shelf.

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The area is near the underwater DeSoto Canyon. The canyon serves as a ramp, with water running up it into the shallower water of the continental shelf.

"But now these waters may not only carry nutrients but they may carry all this stuff too," Hollander said.

Hollander's team took water samples and fed them to marine plankton in experiments onboard the research vessel in August. Even in greatly diluted form, a lower concentration than what the EPA considers acute toxicity, the oil in the water caused a toxic effect - the photosynthesis in the plankton was reduced.

The results mean that less plankton will be available at the bottom of the food chain, Hollander said.

The findings raised new questions about what concentrations and what compounds federal scientists should be concerned about, he said. "In spite of the low concentrations, something is in there."

Lubchenco said that the oil in the water, mostly in a layer between 3,000 and 4,300 feet deep, was in the form of microscopic droplets, but added: "Diluted and dispersed does not necessarily mean benign."

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News Headline: NOAA head: Scientists' work on Gulf spill far from done | ⊍ ⊠

Outlet Full Name: State - Online, The

News OCR Text: WASHINGTON More than a week since a second university research cruise found oil on the bottom of the Gulf of Mexico, the head of the National Oceanic and Atmospheric Administration said Wednesday that teams of academic and federal scientists would make an aggressive effort to search for oil "from the surface to the sea floor."

The remarks by NOAA administrator Jane Lubchenco stand in contrast to the rosy report the government issued shortly after the spill was capped.

In early August, Lubchenco said that the vast majority of the oil had evaporated or been burned, skimmed, recovered at the wellhead or dispersed so that it could degrade naturally. She defended that estimate on Wednesday, saying that even more oil had degraded since then, but stressed that more scientific work still needs to be done.

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News Headline: Oil pipeline to open Friday after big spill in Romeoville | U

Outlet Full Name: Chicago Sun-Times - Online

News OCR Text: ROMEOVILLE -- Despite the old cliche, crews are removing "a mixture of oil and water" from the ground near a ruptured pipeline, and the company operating the line expects to re-open it Friday morning.

Environmental Protection Agency spokesman Sam Borries said approximately 13,630 barrels of oil and water have been recovered over six days of cleanup operations, with crude oil making up about half that amount.

Borries said Enbridge Energy Partners has been following the terms of the government's compliance order.

"We are safely and effectively completing the clean-up and remediation of the spill area so that we can return this busy industrial area of Romeoville back to business as usual," said Terrance McGill, Enbridge president. "We're making very good progress on this front."

Oil was discovered bubbling from the ground around 1 p.m. Sept. 9 in the 700 block of Parkwood Avenue, running into nearby sewage and drainage systems, flowing into a retention pond and forcing a wastewater treatment plant to shut down. The pipeline was shut down within the hour, but crude oil continued to seep out.

The atmosphere around the leak in the Romeoville Industrial Park is a toxic "hot zone," meaning workers must wear respirators and other protective equipment in the area.

Enbridge was able to find the leak in the pipeline around 7 p.m. Sunday. A 12-foot section of pipe was excavated and removed Monday and given to the National Transportation Safety Board for inspection.

The cause of the leak still is unknown, but a 2-inch diameter hole was found in the bottom of the pipe, directly above a water main that passes perpendicular to the pipe, and two holes were found in the top of the water main.

The 34-inch oil pipeline was about 5 feet below the surface and the water main is 6 inches to a foot beneath the oil pipe.

"The standard spacing (between lines) is 18 inches," Enbridge Senior Vice President Art Meyer noted.

The oil pipeline, which runs from Superior, Wis., to Griffith, Ind., was installed in 1968. Village officials were checking Wednesday to see when the water main, which runs to the Northfield Block Co., was put in.

The damaged section of oil pipeline was replaced Tuesday, and the water main was being repaired Wednesday.

"Once the water line is in, the next step will be to remove any remaining contamination from the pipeline area and then backfill around it," Borries said.

The EPA, village and Enbridge are also scouring for contamination in the ground surface, soil and the retention pond and ditch.

"That is being aggressively picked up in anticipation of (Wednesday) night's rain," Borries noted.

Benzine, a toxic petroleum byproduct, has been found in contaminated areas, but the levels are below state limits.

Meyer said Enbridge last inspected the pipeline in 2008 and "did not find any concerns."

"We have reconfigured the flow paths of other pipelines and are meeting with (the government) to determine when it can be reopened," he said.

Enbridge informed Valley View School District that the company will pay district bus drivers and monitors for the day of work they had to miss Friday, when all bus runs were canceled due to the spill, Valley View spokesman Larry

Randa said. This amounts to between \$14,000 and \$15,000, he said.

The clean-up effort blocked access to Spangler Transportation Center, where the district's buses are stored. Now, drivers must take a different route to begin and end their shifts. The district is seeking extra funds, about \$4,000 per day, from Enbridge to cover the cost of paying drivers for each day they cannot return their buses to the center at mid-day.

Comment at heraldnewsonline.com.

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News Headline: Enbridge CEO Patrick Daniel apologetic but offers few details on oil spill at congressional hearing | ⊌ ⊠

Outlet Full Name: Grand Rapids Press - Online

News OCR Text: Follow Share this story Story tools WASHINGTON, D.C. ? Patrick Daniel, president and chief executive officer of Enbridge Inc., sat alone at the witness table this afternoon, contrite at times for what he said was the worst oil spill in his company?s history, and at other times frustrating congressional members for his lack of specificity on what the company knew and when. 7 0 Share ?For Enbridge, no spill is acceptable,? Daniel said at a House Transportation and Infrastructure Committee hearing on the July 26 spill near Marshall. Manuel Balce Ceneta / Associated PressEndridge Inc. President and Chief Executive Officer Patrick Daniel was on Capitol Hill to testify Wednesday before the House Transportation and Infrastructure Committee on the recent Enbridge pipeline failure in Marshall.Still, despite being apologetic, Daniel refused to agree to a request from U.S. Rep. Mark Schauer, D-Battle Creek, to fix all of the 329 defects on Enbridge?s 6B pipeline found during in-line inspections in 2007 and 2009. The company fixed 61 of those anomalies found on the pipeline, a section of which ruptured, sending more than 1 million gallons of oil into Talmadge Creek near Marshall and then into the Kalamazoo River.U.S. Rep. James Oberstar, a Minnesota Democrat and chairman of the committee, said the spill was ?a tragedy for the nation, not just Michigan.??I agree that no spill is acceptable,? Oberstar said, ?but why did it take you so long to report it??It took Enbridge nearly 18 hours to confirm a leak had taken place after it first noticed a drop in pressure on the 6B pipeline at about 6 p.m. July 25.An Enbridge official testified at a July 15 committee hearing that the company was able to detect a leak ?almost instantaneously? after it occurred.Daniel said that he was unable to be specific about the timeline issue because the cause of the spill is still under investigation by the National Transportation Safety Board. The Enbridge CEO did say that although the company regrets the spill? one of the worst in Midwest history? it was in compliance with federal regulations regarding its pipeline management plans and reporting of the spill.?You seem like a very nice person,? Schauer, a committee member whose district includes the spill site, told Daniel. ?But your words and your company?s actions don?t match up.?File photoU.S. Rep. James OberstarOberstar, whose committee is charged with providing oversight of the nation?s pipeline system, took to task both Enbridge and the federal agency that is responsible for regulating the pipeline industry. He said that Enbridge should have done more to address and fix anomalies it found in its pipeline 6B, which runs from Griffith, Ind. and Sarnia, Ontario. Oberstar, speaking during the hearing Wednesday on, also noted that during pipeline hearings held just 10 days before near Marshall, an Enbridge official told the committee that the company could detect a leak on its pipelines ?almost instantaneously.? As the , it took Enbridge nearly 18 hours to confirm that a leak had taken place after it first noticed a drop in pressure on the 6B pipeline. Oberstar also had harsh words for the Pipelines and Hazardous Materials Safety Administration, the pipeline regulatory arm of the U.S. Dept. of Transportation, saying that the agency fails more than succeeds in its oversight work. Enlarge John LaForge of Marshall has been living in a hotel with his family for the past week due to his backyard being covered in oil. LaForge lives right next to Talmadge Creek and less than a mile away from the pipeline leak. (Kalamazoo Gazette / Jonathon Gruenke) gallery (22 photos) /* */ embedSlideshow(4472, 8748643, 'oil_spill_fouls_kalamazoo_river',

'&fromblog=4132&fromentry=5019998&align=right'); /* */ ?There is something endemic in this agency,? he said. ?They are non-responsive. It?s a disaster on it?s own.? testified at the hearing, many choking-up with emotion as they described the devastation that was wrought by on the river ecosystem, the ill effects it had on human health and their worries about what the future holds. High-ranking officials from several federal agencies, including Lisa Jackson, administrator for the U.S. Environmental Protection Agency, and Deb Hersman, head of the National Transportation Safety Board, also testified at the hearing. Earlier, committee member Bill Shuster, a Pennsylvania Republican, suggested that based on what information was garnered from the hearing, new legislation may be drafted to deal with the nation?s aging pipeline system and ensure safety and regulatory oversight.?It?s not uncommon for us to see pipe that is older,? Jackson said.Pipeline 6B was constructed in 1969.As the hearing was set to begin, the that would increase fines and penalties for companies that violate regulations.The Strengthening Pipeline Safety and Enforcement Act would increase maximum civil penalties for serious violations from \$100,000 per day or \$1 million. For a series of violations, the penalties would increase to \$250,000 per incident or \$2.5 million.DON'T MISS: Return to Top

News Headline: 250, 000 Gallons of Oil Recovered From III. Leak | U

Outlet Full Name: New York Times - Online News OCR Text: Filed at 11:02 p.m. ET

ROMEOVILLE, III. (AP) -- Federal officials say more than 250,000 gallons of oil have been recovered from the site of a pipeline leak near Chicago.

But U.S. Environmental Protection Agency on-site coordinator Sam Borries said Wednesday that it's still too early to say how much oil has spilled.

The pipeline's owner, Enbridge Energy Partners, said the pipeline would be returned to service early Friday. It was

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shut down shortly after the leak was discovered Sept. 9.

The pipeline is part of a system that transports oil from western Canada to U.S. refiners, and regional gas prices increased after it was shut down.

Enbridge executives say the company is making good progress cleaning up the spill area in Romeoville, about 30 miles southwest of Chicago.

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News Headline: 250,000 gallons of oil recovered from III. leak | U

Outlet Full Name: Omaha World-Herald - Online

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News Headline: San Bruno fire debris brings health, environmental hazard | U M

Outlet Full Name: Sacramento Bee - Online, The

News OCR Text: SAN BRUNO, Calif. -- The debris left behind from the San Bruno fire is a potential cesspool of environmental toxins, as well as a possible airborne health hazard, officials said.

State and county health officials are racing to identify and remove the toxic ash by the start of the rainy season Oct. 15, which could push contaminated runoff into San Francisco Bay.

With a slight chance of rain in San Bruno this weekend, San Mateo County health officials have already removed 10 55-gallon drums of hazardous waste from the burn site and placed sandbags around the storm drains that lead to San Bruno Creek, directly downstream of the debris pit at the bottom of Crestmoor Canyon.

All but 56 of the 376 households that were evacuated the night of Sept. 9 have been reoccupied, according to San Bruno officials - including a number of homes that now overlook the piles of twisted metal, ash-coated chimneys and scorched shells of cars their neighbors left behind.

"The main concern is direct contact with the ash - breathing the dust in could be a hazard. There's no way to do 100 percent containment of the dust," said Dean Peterson, director of the San Mateo County Environmental Health Services Division.

Based on other large residential fires, like the ones that burned more than 350,000 acres and more than 2,200 homes in San Diego and San Bernardino counties in 2007, the California Environmental Protection Agency said it's likely the San Bruno burn site contains metals from melted batteries, car parts, treated wood and plumbing; asbestos from roofing or insulation; pesticides and herbicides; polycyclic aromatic hydrocarbons from burned tires and plastic; and polychlorinated biphenyls, or PCBs, from household items such as old fluorescent light bulbs.

Cal/EPA learned a valuable lesson about toxic runoff after the 2003 San Diego County wildfires, which destroyed more than 3,200 homes and killed 16 people. Officials neglected to clean the ash off the watershed before the rainy season started and, as a result, a downstream public water supply reservoir was contaminated with trace metals, said Don Johnson, who oversees hazardous material cleanup for Cal/EPA during statewide emergencies.

"We want to treat this as if there is lead and cadmium and other dangerous products and organic materials," Johnson said.

Rather than analyze the ash in a laboratory, which could take weeks, officials have set their sights on removing all the debris as quickly as possible. Johnson has estimated it will cost about \$1.5 million, paid in part by homeowners' insurance and partly by the state.

In the meantime, crews have been wetting the ash with a fine mist in the afternoons to keep it from getting picked up by winds that are gusting up to 14 miles per hour. They have also installed a construction fence to keep residents out of the fire zone.

The county is not testing air quality in San Bruno for the presence of small, abrasive dust particles in the air that are

small enough to be inhaled, like silica from stucco walls and carbon in the ash itself. Nor has the county been tracking general respiratory ailments in the fire's aftermath.

But Peterson said his environmental health staff did rule out the presence of flammable and corrosive gases such as benzene, acetone and butane after testing the air above still-smoldering piles of soot on Saturday, two days after the fire.

Officials with Cal/EPA and the Department of Toxic Substances Control also discovered less asbestos than they were expecting when they inspected the fire site over the weekend, Johnson said. Many of the older homes were built in the 1950s but have been substantially remodeled, in the course of which the asbestos may have been removed.

Peterson said he is confident that families who have moved back into their homes won't develop breathing problems.

"If you're in the dust, picking it up, you're going to get a high dose," he said. "For those households on the perimeter, the exposure won't be a serious health hazard. Their exposure will be lower."

Contaminated soil is another matter. Metals, PCBs and petroleum byproducts may have entered the soil and also risk leaching into a groundwater aquifer that supplies drinking water to San Bruno and surrounding cities, officials say. If volatile organic compounds like vinyl chloride are present, they could release toxic fumes into a home even after it's rebuilt.

The soil beneath the debris piles will be tested and, if needed, any pockets of contamination will be removed, Peterson said.

"We're dealing with long-term health effects here. We're dealing with people's lives," he said. Return to Top

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Contact Julia Scott at 650-348-4340. Return to Top

News Headline: 250,000 gallons of oil recovered from III. leak | 10 🔀

Outlet Full Name: State - Online, The

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Enbridge executives say the company is making good progress cleaning up the spill area in Romeoville, about 30 miles southwest of Chicago.

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Outlet Full Name: Anchorage Daily News - Online

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Outlet Full Name: Billings Gazette - Online

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Outlet Full Name: Boston Globe - Online

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News Headline: 250,000 gallons of oil recovered from III. leak | ⊎ ⊠

Outlet Full Name: Buffalo News - Online

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News Headline: Our Say: State plans don't answer big question about bay cleanup | U

Outlet Full Name: Capital - Online, The News OCR Text: Published 09/15/10

The suspicion must have crossed more than a few minds:

Perhaps the state and federal agencies attempting to clean up the Chesapeake Bay have decided to solve the problem by generating enough paper to fill the bay, from the mouth of the Susquehanna River to the Atlantic Ocean.

If that's the goal, the six bay watershed states and Washington, D.C., have just gotten roughly 900 pages closer to it. That's the length of the cleanup plans they've now drawn up at the behest of the federal government.

The documents explain how the states intend to comply with pollution-reduction targets - the "pollution diet" - drawn up by the U.S. Environmental Protection Agency this summer. The goal is to get the bay off the federal government's list of endangered waterways by 2025.

Meeting that goal - in spite of all the words thrown at the problem - depends on things that are mostly between the lines: the commitment of legislators and government officials, the availability of money, and whether the feds will actually start cracking down when states begin to blow off their plans' deadlines.

Like the other draft "Watershed Implementation Plans," Maryland's document is now up for review by both the public and the EPA. It's 170 pages long; even the executive summary is 28 pages long and features a summary table of actions that ladles on the government alphabet soup. (Sample: "Continue ENR Retrofits at Major Federal WTTPs in accordance with July 2006 MOU with DOD.")

Environmental groups, including the Chesapeake Bay Foundation, think the plan is short on details. Maryland Secretary of the Environment Shari T. Wilson said she and her staff deliberately put in every possible way of cleaning up the bay - if all of them were implemented, the state would, in theory, go well beyond the federal pollution diet. The idea is that the document will be pared down after the public comment period.

The cover letter to the EPA co-signed by Wilson and three other state Cabinet members alludes delicately to the "competing pressures ... on state funds." In his more defensive cover letter to the federal agency, Virginia's secretary of natural resources, Douglas W. Domenech, was blunter: "Full implementation of this plan will likely cost billions of new dollars, which are unfunded federal mandates ... In these austere times, we cannot guarantee such significant additional funding will be provided by our General Assembly."

Whatever you think of Virginia's plan or Domenech's tone, he has a point. The federal government can't expect the states to do this without major fiscal help. The money and additional legal muscle that would be provided by the Chesapeake Clean Water Act, now before Congress, will be needed.

Also needed: A hard-nosed federal attitude toward compliance with these plans, whatever details are finally adopted. We may now have 900 pages on ways to clean up the bay, but that doesn't mean we have the will - unless bay area residents insist on it.

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News Headline: 250,000 gallons of oil recovered from III. leak | ⊎ ⊠

Outlet Full Name: Charlotte Observer - Online

News OCR Text: ROMEOVILLE, III. Federal officials say more than 250,000 gallons of oil have been recovered from the site of a pipeline leak near Chicago. But U.S. Environmental Protection Agency on-site coordinator Sam Borries said Wednesday that it's still too early to say how much oil has spilled. The pipeline's owner, Enbridge Energy Partners, said the pipeline would be returned to service early Friday. It was shut down shortly after the leak was discovered Sept. 9. The pipeline is part of a system that transports oil from western Canada to U.S. refiners, and regional gas prices increased after it was shut down. Enbridge executives say the company is making good progress cleaning up the spill area in Romeoville, about 30 miles southwest of Chicago.

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News Headline: Damaged Romeoville pipeline repaired | U

Outlet Full Name: Chicago Sun-Times - Online

News OCR Text: A 12-foot section of a damaged pipeline that sent oil bubbling to the surface in Romeoville was being replaced Tuesday, and a federal official said crews hoped to fill in the excavation site this week.

A water main beneath the pipeline was scheduled to be repaired today, said Sam Borries, the U.S. Environmental Protection Agency's on-scene coordinator. And if all goes well, workers could begin repairing the street in Romeoville by the end of the week, he said.

But the spill and resulting pipeline shutdown have meant a spike in regional gas prices, and federal officials say it could take weeks to clean up contamination.

A 2-inch diameter hole was been found in the bottom of the pipe directly above the water main, and two holes were found in the top of the water main, but the cause of the oil leak won't be known until the National Transportation Safety Board tests the damaged pipe, investigator Matthew Nicholson said. The damaged section should arrive in Washington by Thursday, he said.

"We've got the primary piece of evidence," he said.

The problem was discovered Thursday in Romeoville by local water department workers responding to a complaint from a business owner about the water line, Nicholson said.

The oil pipeline is the third owned by Canada-based Enbridge Inc. to be put out of commission this summer. Enbridge also owns a pipeline from Indiana to Ontario that in July spilled hundreds of thousands of gallons of oil into a southern Michigan waterway, where cleanup is ongoing.

On Tuesday, the company restarted a 91-mile pipeline that runs from Ontario, Canada, to New York that was shut down a day earlier to investigate a possible low-level leak near Buffalo, N.Y. Enbridge said tests found no leak but that the site would be monitored.

In Illinois, more than 400 people are working on site around the clock, up from about 200 workers during the weekend. The majority of new workers were brought in by Enbridge, Borries said.

The 34-inch oil pipeline, which runs 465 miles from Superior, Wis., to Griffith, Ind., is 5 feet underground.

Borries said the total volume of the spill was not yet known. AP Return to Top

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News Headline: 4 inspections of Romeoville pipeline found no potential for leaks, company says | U

Outlet Full Name: Chicago Tribune - Online

News OCR Text: Federal EPA will check to see if any risks remain

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Text Size

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The Romeoville pipeline that ruptured last week had been inspected four times since 2000, including two years ago, but none indicated the line was due for failure, said Art Meyer, a senior vice president with the Canadian company that owns the pipeline.

Cleanup crews for Enbridge Energy Partners have recovered 13,610 barrels of oil and water from the site since the leak was discovered Sept. 9, Meyer said. With the leak now capped and the cleanup almost complete, investigators with the U.S. Environmental Protection Agency will try to determine what, if any, environmental risks remain.

The EPA's Sam Borries said Wednesday that low levels of the toxin benzene were found in surface water near the spill, but there's no indication it or any other volatile chemicals infiltrated the groundwater used by businesses and residents. The agency intends to install monitoring wells near the site to make sure.

"The levels of concern, at this time, are low," Borries said.

The damaged section of pipe has been removed and is now in the hands of the National Transportation Safety Board, which will try to determine what caused a two-inch hole believed to be the source of the leak.

Investigators from Enbridge are looking at whether a leaking water line just a half-foot below the pipeline is to blame. Meyer said he didn't know, but the "standard spacing" between pipelines is 18 inches.

Enbridge officials said there is no timeline to return the flow of oil to the pipeline. In the meantime, Meyer said, the company is rerouting oil through different pipelines to ensure it reaches refineries around the Midwest.

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News Headline: Hiccup in Romeoville, indigestion at pump | U

Outlet Full Name: Chicago Tribune - Online

News OCR Text: Gas prices climb in wake of pipeline shutdown

A worker hands equipment to a welder in a dugout area in Romeoville, Ill., Tuesday, Sept 14, 2010, where a pipeline ruptured last week and spilled an estimated 256,000 gallons of crude oil. Crews were welding a 12-foot replacement pipe in place and planning to x-ray the new piece to ensure its seal. (David Pierini, Tribune Photo / September 15, 2010)

Chicago-area motorists learned when they drove to the gas pump Tuesday that, in the wake of the mighty BP oil spill, a small hiccup such as the recent one in Romeoville can trigger profound changes in the global oil market.

Gasoline prices have jumped nearly 16 cents in Chicago and more than 10 cents across the Midwest since last week, a reaction to Enbridge Energy Partners temporarily shutting down a three-mile section of oil pipeline near Romeoville that ruptured six days ago. Though the cause of the burst is unknown, work crews excavating the damaged pipe on Monday found a 2-inch hole they believe is the culprit.

Estimates vary wildly about how much oil was lost since the spill was discovered Thursday morning and capped Sunday night. The Illinois Environmental Protection Agency has received reports ranging from 256,000 gallons to more than 670,000 gallons, ranking it among the worst oil spills in Chicagoland in the last 20 years.

Either way, oil experts say, just the speculation that oil service to refineries around the Midwest may be interrupted for a time sparked a rush on oil commodities that increased gas prices at the pump around the Great Lakes.

In Chicago, a rise in wholesale gas prices increased the average cost for a gallon of regular unleaded to \$3.01, while the Midwest region topped \$2.77, according to an analysis by the U.S. Energy Information Administration. Experts said the ripple effect from the Romeoville spill was enough to push the national average from \$2.67 to about \$2.71.

"It's like shutting down the lifeblood that feeds the organs," said Tom Kloza, publisher and chief oil analyst at Oil Price Information Service, a global leader in petroleum pricing and industry news.

"The spill itself is insignificant," Kloza said. "It's the shutting down of the pipeline that got everyone's attention."

As demand for oil has soared over the last few decades, Illinois has quietly become an epicenter for the pipeline industry. More than 2,000 crisscrossing miles of pipe lie buried underground in Illinois, shuttling billions of gallons of crude each year between stops in Canada and the Gulf Coast.

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So many global factors affect the price of oil — politics in China, stability in the Middle East, jobless figures in the United States — that the Romeoville spill was little more than a blip on the radar, Kloza said. But it was an important blip.

When word spread about the spill last week, oil speculators pounced, Kloza said, anticipating a lengthy shutdown of a critical section of pipeline outside Chicago. This disruption, on the heels of a massive oil spill and pipe shutdown in Michigan this summer, was too enticing to pass up, he said.

"This is the year of BP and so that has kind of changed how we respond to these kinds of events," said Kloza, who has covered the oil industry since the 1970s. "This (Romeoville spill) was a regional event, a Midwest event, and we hadn't had one like it in a while."

It didn't take long for the machinations of the global oil market to begin to squeeze motorists.

"Why do we have to pay for a mistake made by an oil company?" taxi driver Emmanuel Narcisse, 45, said as he pulled into a Thorntons gas station in Westmont. "I do my job. Why can't they do their job right? I depend on gasoline to make a living but now I have to pay more for it."

Narcisse said the sudden spike in gas prices was costing him an extra \$10 a day.

Others accused gas stations of artificially inflating the prices to capitalize on recent events.

"It's funny how the prices shot up right away," said Georgeanne McGuire, 63, of Burr Ridge. "They're just trying to make a quick buck."

Enbridge officials were expected to appear before a congressional panel in Washington, D.C., on Wednesday to answer questions about a July spill in Michigan that dumped about 820,000 gallons of oil into a tributary of the Kalamazoo River. Congressional leaders could also ask about the Romeoville spill or a small leak that caused the company to shut down a section of pipeline near Buffalo on Monday.

Gina Jordan, a spokeswoman with the Calgary-based company, said Enbridge did not yet know when it would be able to restore the flow of oil in the section of pipeline in Romeoville. But it is working on a temporary fix by rerouting crude through a series of other pipelines and storage facilities.

Employees with the Romeoville water department stumbled upon the oil leak Thursday morning, and officials quickly learned it had spread to a nearby drainage ditch and a retention pond at the village's wastewater treatment plant. As a precaution, the local fire department evacuated about 500 people from nearby businesses because of concern about exposure to hazardous vapors.

With fears mounting about the environmental impact of the spill, the Illinois Environmental Protection Agency has asked the state attorney general's office to consider legal action against Enbridge, which has already racked up millions in fines from the federal government stemming from a rash of recent oil spills.

Maggie Carson, spokeswoman for the state EPA, said it's impossible to know how the legal proceedings may play out without knowing the extent of the environmental cost.

"Since we don't know how long it's been leaking, it's difficult to pinpoint how much oil has been lost," Carson said. "We all know this will be a long-term cleanup."

Regardless, Kloza said, oil prices will gradually come down as new pipelines are built and confidence in the old patchwork system returns. All that's left is the cleanup, he said, and the public relations campaign that is almost certain to follow.

"No company wants to be the next BP," Kloza said. "So they respond quickly, and they do what needs to be done. My sense is this, too, shall pass."

jhood@tribune.com

Freelance reporter Joseph Ruzich contributed to this report. Return to Top

News Headline: Firm: Inspections showed no defects in Romeoville pipeline | U

Outlet Full Name: Chicago Tribune - Online

News OCR Text: The Romeoville pipeline that ruptured last week had been inspected four times since 2000, including just two years ago, but none indicated the line was faulty, according to Art Meyer, a senior vice president with the Enbridge Energy Partners.

Clean-up crews have recovered 13,610 barrels of oil and water from the site since it's leak was discovered on Sept. 9. With the leak now capped and the clean-up almost complete, investigators with the U.S. Environmental Protection Agency will try to determine what, if any, environmental risks remain.

The agency will install monitoring wells near the spill site to find out whether oil infultrated ground water that is used for business and residents.

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News Headline: Damaged portion of Midwest oil pipeline replaced | U News

Outlet Full Name: Indianapolis Star - Online, The

News OCR Text: CHICAGO -- A 12-foot section of a damaged pipeline that sent oil bubbling to the surface outside Chicago was being replaced Tuesday, and a federal official said crews hoped to fill in the excavation site this week.

A water main beneath the pipeline was scheduled to be repaired today, said Sam Borries, the U.S. Environmental Protection Agency's on-scene coordinator. And if all goes well, workers could begin repairing the street in Romeoville by the end of the week, he said.

But the spill and resulting pipeline shutdown have meant a spike in regional gas prices, and federal officials say it could take weeks to clean up contamination.

A 2-inch diameter hole was been found in the bottom of the pipe directly above the water main, and two holes were found in the top of the water main, but the cause of the oil leak won't be known until the National Transportation Safety Board tests the damaged pipe, investigator Matthew Nicholson said. The damaged section should arrive in Washington by Thursday, he said.

"We've got the primary piece of evidence," he said.

The problem was discovered Thursday in Romeoville by local water department workers responding to a complaint from a business owner about the water line, Nicholson said.

The oil pipeline is the third owned by Canada-based Enbridge Inc. to be put out of commission this summer. Enbridge also owns a pipeline from Indiana to Ontario that in July spilled hundreds of thousands of gallons of oil into a southern Michigan waterway, where cleanup is ongoing.

On Tuesday, the company restarted a 91-mile pipeline that runs from Ontario, Canada, to New York that was shut down a day earlier to investigate a possible low-level leak near Buffalo, N.Y. Enbridge said tests found no leak but that the site would be monitored.

In Illinois, more than 400 people are working on site around the clock, up from about 200 workers during the weekend. The majority of new workers were brought in by Enbridge, Borries said.

The 34-inch oil pipeline, which runs 465 miles from Superior, Wis., to Griffith, Ind., is 5 feet underground.

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Borries said the total volume of the spill was not yet known. By late Sunday, Enbridge had captured about 12,100 barrels of an oil and water mixture, about half of which was oil.

Borries said the oil that was pushed to the surface reached a retention pond and Romeoville's wastewater treatment plant. Enbridge will excavate contaminated soil and test groundwater, he said.

Gina Jordan, a spokeswoman for Calgary-based Enbridge, said Tuesday that it's too soon to know when the pipeline could begin moving oil again. That determination will be made by the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration. A call to the agency's Midwest office was not returned Tuesday.

The Illinois Environmental Protection Agency has asked the state attorney general's office to pursue enforcement action against Enbridge for "polluting the soil, air and the waters of the state," according to a statement from the agency.

Illinois Attorney General Lisa Madigan's office is reviewing the request and will decide whether any laws were violated, said spokeswoman Robyn Ziegler. The enforcement action could eventually include a lawsuit against Enbridge.

Enbridge is conducting the leak cleanup in compliance with all government standards and in cooperation with the regulatory authorities at the scene, Jordan said.

"The protection of the environment is one of our primary goals," she said.

The company has said it continues to treat the spill near Marshall, Mich., where at least 800,000 gallons of oil leaked into a waterway in July, "as a top priority." The company does not know when that pipeline will be restarted. A congressional hearing on that spill is scheduled for Wednesday.

The Illinois spill has pushed wholesale and retail gasoline prices higher, said Tom Kloza, publisher and chief oil analyst at Oil Price Information Service.

He said wholesale gas prices in the Midwest were about 30 cents per gallon higher than the West Coast and 15 to 20 cents per gallon higher than the East Coast.

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Kloza said motorists in Warren, Ind., have been stung with the biggest retail price hikes. Pump prices there have soared 34.7 cents per gallon since Sept. 1. Boyd, Ky., saw an increase of 34.3 cents per gallon in the same time, and Hillsdale, Mich. saw prices jump 32.4 cents per gallon.

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News Headline: Damaged portion of Illinois oil pipeline replaced | 🖖 🔀

Outlet Full Name: Kansas City Star - Online

News OCR Text: A 12-foot section of a damaged pipeline that sent oil bubbling to the surface outside Chicago was being replaced Tuesday, and a federal official said crews hoped to fill in the excavation site this week.

A water main beneath the pipeline was scheduled to be repaired Wednesday, said Sam Borries, the U.S. Environmental Protection Agency's on-scene coordinator. And if all goes well, workers could begin repairing the street in Romeoville by the end of the week, he said.

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Associated Press writers Tammy Webber in Chicago, Carolyn Thompson in Buffalo, N.Y., and Chris Kahn in New York contributed to this report.

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News Headline: White House slashes huge IT projects, more cuts coming | U Z

Outlet Full Name: Hill - Online, The

News OCR Text: The White House announced more cuts on Wednesday to technology projects designed to replace the accounting systems used by federal agencies.

Office of Management and Budget acting director Jeffrey Zients and Controller Danny Werfel told reporters the White House will scrap or reduce several projects as a result of its ongoing review of federal financial management systems in hopes of saving millions of dollars and improving the return on taxpayer funds.

Prior to joining OMB "I spent all my time in the private sector and saw that the best companies constantly evaluate and revise important IT projects. Historically most government agencies have not done this," Zients said. "We're changing that and changing how the government does business" by cutting projects that are behind schedule or over-budget.

Efforts to update agencies' accounting systems have historically been plagued by delays and cost overruns due to the complexity and diversity of the accounting methods used by the government. The White House halted all modernization efforts in June in order to review the projects for possible reductions in cost and scope.

Werfel said the White House is canceling a \$113 million project to replace the Small Business Administration's loan management and accounting system and scaling back two similar projects at the Environmental Protection Agency (EPA) and the Department of Housing and Urban Development (HUD). The administration expects to save a total of \$224 million on the latter two projects by cutting all system features that aren't mission-critical.

Those measures come in addition to the previously announced cancellation of a modernization effort at the Department of Veterans Affairs, which is expected to save a total of \$423 million. Werfel said the administration hopes to ultimately save roughly one billion dollars a year by canceling troubled or unnecessary information technology projects.

Werfel repeatedly referenced the need to allocate taxpayer dollars where they are most needed. He said a reevaluation by HUD and EPA found that their existing accounting systems would suffice with some minor enhancements.

"[EPA and HUD] are no longer pursuing these more transformative technology changes because the determination was made that their current technology was serving them effectively and can be maintained," Werfel said.

Zients said the review board of federal chief information officers and chief financial officers is only halfway through its review of the systems, so more cancellations are possible.

Werfel said agencies that do move forward with updates to their financial systems will have to segment them into manageable portions with a focus on delivering functionalities successfully before moving on to the next portion of the project. He said in the past agencies have tried to take on too much at once.

"We've faltered where we have tried to do more than what the organization is capable of," Werfel said. "We tried to change everything all at once, standards and streamline the entire operation to deploy new technology. That takes longer, drives up cost and drives up risk."

Werfel said the new segmented approach should help agencies be better stewards of taxpayer dollars. He said the goal is to conclude the reviews by mid-October.

http://thehill.com/blogs/hillicon-valley/technology/118929-white-house-slashes-huge-it-projects-more-cuts-coming Return to Top

News Headline: OMB finds savings in IT contracts | U N

Outlet Full Name: Washington Post - Online

News OCR Text: The Office of Management and Budget on Wednesday plans to announce the cancellation or restructuring of three multiyear information technology contracts totaling \$337 million, according to senior administration officials. The changes are part of the Obama administration's budgetary and management reforms designed to cut billions of dollars in wasteful and no-bid government programs and contracts.

According to the OMB, the Environmental Protection Agency plans to save \$180 million and the Department of Housing and Urban Development will pocket about \$44 million by restructuring two long-term IT contracts. The Small Business Administration should save \$113 million by canceling a contract.

The EPA contract is meant to replace an older financial system that had inconsistent data and costly maintenance, among other problems. CGI Federal, based in Fairfax, has received \$83.1 million in contracts for the program being restructured, according to the Obama administration's IT Dashboard, a public Web site that compiles data on federal agencies' IT programs. The company referred questions to the EPA.

Delta Solutions of Reston has received more than half of the\$2.1 million in contracts awarded so far for HUD's Financial Management Business Case program, according to the IT Dashboard. The company did not respond to a request for comment.

The Small Business Administration said the contract being canceled with Fairfax-based SRA International to do a major modernization of its computer system originally cost \$217 million. The SBA has spent \$29 million on the contract so far, according to spokesman Mike Stamler. But the deal became too costly, and the agency instead will complete \$97 million worth of upgrades over 10 years, he said.

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The Department of Veterans Affairs in July slated to cost as much as \$300 million. Other agencies may cancel or rewrite similar deals in the coming months, the OMB said.

The cuts announced Tuesday are 'a classic outcome of what we expected when we looked more closely at these projects,' said OMB Controller Danny Werfel. Though they amount to a small fraction of the \$80 billion in annual federal IT costs, they are part of a series of reforms announced since the spring that administration officials hope demonstrate the White House's resolve to curtail government spending as deficit concerns dominate midterm election campaigns.

The cuts - and their impact on several Washington-area contracting firms - come as the Senate plans to pass for small businesses. They also add to growing fears that the Washington region as the government slashes billions in contracting deals. 'Anytime you have program cancellations, there's a job impact, but that alone is not a reason to continue a program,' said Stan Soloway, president of the Professional Services Council, the largest group representing contracting firms. 'A program needs to be delivering a need to the government and the taxpayer.' But Soloway questioned whether the OMB is fully consulting agencies and contractors as it determines which contracts to eliminate.

In an interview Tuesday, OMB Deputy Director Jeffrey Zients said: 'Our job is to focus on making sure every taxpayer dollar is well spent. There are plenty of opportunities for us to spend dollars on IT projects that have very high returns for taxpayers. We're going to make sure that the dollars are spent on high-return projects.' ed.okeefe@washingtonpost.comcenserm@washpost.com Staff writer Dana Hedgpeth contributed to this report. Censer is a Capital Business reporter.

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News Headline: CLIMATE: 80% of states on track for GHG permitting, enforcement -- report | U News Headline: CLIMATE: 80% of states on track for GHG permitting, enforcement -- report | U News Headline: CLIMATE: 80% of states on track for GHG permitting, enforcement -- report | U News Headline: CLIMATE: 80% of states on track for GHG permitting, enforcement -- report | U News Headline: CLIMATE: 80% of states on track for GHG permitting, enforcement -- report | U News Headline: CLIMATE: 80% of states on track for GHG permitting, enforcement -- report | U News Headline: CLIMATE: 80% of states on track for GHG permitting, enforcement -- report | U News Headline: CLIMATE: 80% of states on track for GHG permitting, enforcement -- report | U News Headline: CLIMATE: 80% of states on track for GHG permitting, enforcement -- report | U News Headline: CLIMATE: 80% of states on track for GHG permitting, enforcement -- report | U News Headline: CLIMATE: 80% of states on track for GHG permitting | CLIMATE: 80% of states of track for GHG permitting | CLIMATE: 80% of states of track for GHG permitting | CLIMATE: 80% of states of track for GHG permitting | CLIMATE: 80% of states of track for GHG permitting | CLIMATE: 80% of states of track for GHG permitting | CLIMATE: 80% of states of track for GHG permitting | CLIMATE: 80% of states of track for GHG permitting | CLIMATE: 80% of states of track for GHG permitting | CLIMATE: 80% of states of track for GHG permitting | CLIMATE: 80% of states of track for GHG permitting | CLIMATE: 80% of states of track for GHG permitting | CLIMATE: 80% of states of track for GHG permitting | CLIMATE: 80% of states of track for GHG permitting | CLIMATE: 80% of states of track for GHG permitting | CLIMATE: 80% of states of track for GHG permitting | CLIMATE: 80% of states of track for GHG permitting | CLIMATE: 80% of states of track for GHG permitting | CLIMATE: 80% of states of track for GHG permitting | CLIMATE: 80% of states of track for GHG permitting | CLIMATE: 80% of states of track for GHG p

Outlet Full Name: Greenwire

News OCR Text: Most states are preparing to implement U.S. EPA's climate rules in January, according to an analysis released today, but uncertainties remain as some states hustle to change their regulations in time and others flatly refuse to.

Nearly 80 percent of states have indicated that they will be ready to issue greenhouse gas permits for large industrial sources by Jan. 2, when EPA's climate rules formally kick in, according to a survey from the National Association of Clean Air Agencies. The group analyzed letters from states to the agency regarding whether they would need to amend their laws or regulations in order to comply with the Obama administration's new climate rules.

"The truth is, the overwhelming majority of states are taking this very seriously and are moving full speed ahead to ensure that their permitting programs include greenhouse gases and exclude smaller sources from greenhouse gas permitting," said NACAA Executive Director Bill Becker. NACAA represents state and local air pollution control agencies across the country.

Some states, like Pennsylvania, expect to have no trouble at all imposing the new federal rules, according to the NACAA analysis. Pennsylvania has the authority to apply EPA's determination of when greenhouse gases become subject to regulation under its permitting programs.

Many others must change laws and regulations that don't allow for the regulation of greenhouse gases or don't comply with EPA's plans to regulate only the largest emitters of heat-trapping emissions under its so-called "tailoring rule."

The tailoring rule seeks to substantially raise the Clean Air Act's permitting thresholds for greenhouse gases from the current limits that many states must change in their own laws and regulations. The thresholds for "conventional pollutants" like lead and sulfur dioxide are 100 or 250 sources a year, but EPA says those limits are not feasible for greenhouse gases, which are emitted in much larger quantities.

Of the states that need to make changes, many expect to comply in time, barring any hiccups. Virginia, for example, needs to revise its regulations to incorporate the tailoring rule thresholds, but regulators plan to complete the process by the January deadline.

But others won't revise their rules in time. EPA estimated last month that 13 states were not prepared to regulate the heat-trapping emissions from stationary facilities and asked other states to comment as to whether they could meet the January deadline. The states were Alaska, Arizona, Arkansas, California, Connecticut, Florida, Idaho, Kansas, Kentucky, Nebraska, Nevada, Oregon and Texas.

Wyoming Gov. Dave Freudenthal (D) has also told EPA that his state won't be able to meet the deadline (Greenwire, Sept. 10, 2010).

EPA last month issued a draft rule that seeks to allow for states that are not prepared to revise their regulatory programs and a separate proposal that would allow EPA to take over permitting requirements for states that do not revise their programs in time (E&ENews PM, Aug. 12).

That proposal has drawn the ire of a handful of states and industry groups. Officials in Texas and Arizona are staunchly opposing EPA's plans to force states into compliance with the controversial climate regulations.

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In an Aug. 2 letter sent to EPA Administrator Lisa Jackson and EPA's Dallas-based Region 6 Administrator Al Armendariz, Texas Commission on Environmental Quality Chairman Bryan Shaw and Texas Attorney General Greg Abbott (R) said that Texas "has neither the authority nor the intention of interpreting, ignoring, or amending its laws in order to compel the permitting of greenhouse gas emissions" (Greenwire, Aug. 4).

Ben Grumbles, director of Arizona's Department of Environmental Quality and former EPA water chief under President George W. Bush, has also asked EPA to reconsider its implementation plans.

"ADEQ does not agree that EPA's position has resulted in Arizona's program becoming inadequate," Grumbles wrote in an Aug. 27 letter to Jackson and EPA Region 9 Administrator Jared Blumenfeld. Arizona does not apply permitting requirements to greenhouse gas emitting sources, Grumbles said.

Click here to read the NACAA report. Return to Top

News Headline: CLIMATE: Waxman urges EPA to use regulatory muscle on GHGs until Congress acts | U XX

Outlet Full Name: Greenwire

News OCR Text: A key architect of House climate legislation said today it is only a matter of time before Congress passes a global warming bill and urged U.S. EPA to use its existing tools in the meantime.

"I had hoped that by now we would have enacted the next major amendments to the Clean Air Act -- a new suite of tools designed specifically to address climate change," said Rep. Henry Waxman (D-Calif.), chairman of the House Energy and Commerce Committee and co-author of the climate bill that passed the House last year.

"We're not there yet," he added, "but such an amendment is not a matter of whether to enact an amendment, but when."

Waxman, one of the authors of the 1990 Clean Air Act amendments, spoke at a panel discussion commemorating the air pollution law's 40th birthday.

The Senate failed to act on climate legislation after the House passed its bill, and Senate Majority Leader Harry Reid (D-Nev.) said earlier this month that the chamber won't be able to pass even a scaled-back climate measure this year.

In the meantime, Waxman urged EPA to use its existing authority to begin to clamp down on the heat-trapping emissions.

"This would allow us to make progress addressing climate change without creating economic problems," Waxman said. "The claims from some in industry of the doom and despair are just not credible given the agency's ability to consider cost when setting control requirements."

Waxman's comments come as critics of EPA climate regulations are plotting efforts to handcuff the agency's authority.

A Senate panel may vote Thursday on amendments aimed at thwarting federal climate rules when the Senate Interior and Environment Appropriations Committee meets to consider EPA's 2011 spending bill (E&E Daily, Sept. 14).

Such an amendment may come from Sen. Lisa Murkowski (R-Alaska), who has backed several previous measures to block EPA's authority to implement greenhouse gas emissions, although her spokesman said today that she has not yet decided whether she will offer a climate rider. Murkowski offered an amendment last year to EPA's spending bill to block climate rules for stationary sources for one year, but she was not allowed a vote on the measure. She later offered a failed resolution that would have upended EPA's authority to regulate greenhouse gases under the Clean Air Act.

An amendment could also come from Democrats on the committee. Sen. Jay Rockefeller (D-W.Va.) has asked his Democratic colleagues who serve on the committee to offer his measure to impose a two-year delay on EPA stationary source rules during the appropriations markup, he told reporters yesterday.

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News Headline: Morning EPA hearing winds down, final session to come | U SA

Outlet Full Name: Ithaca Journal - Online

News OCR Text: Next Page 1 | 2 Previous Page BINGHAMTON - The second day of the 's final public meeting on its hydraulic fracturing study got off to a quiet start, with a sparse number of protestors outside and about 300 people spread throughout The Forum's lower level. About 100 speakers from across New York, Pennsylvania and beyond made their case to the EPA, with some urging the agency to expand their focus to the cumulative effects of the hydrofracking process, and others preferring the EPA to take a narrower approach.

Earlier this year, Congress issued a mandate requiring the EPA to study the potential effect fracking -- a controversial

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natural gas drilling process in which a mix of sand, water and chemicals is blasted deep underground to break up shale and release natural gas -- has on groundwater.

Assemblywoman Barbara Lifton, D-Ithaca, asked the EPA to study the cumulative effects of the entire horizontal drilling process, not just the fracking itself.

"We must change our thinking to a long-term view that puts the health of the environment first," Lifton said. "The EPA should looking at all potential cumulative environmental impacts of hydrofracking, including large water withdrawals, habitat destruction, noise, greenhouse gas emissions, erosion and drainage."

Joint Landowners Coalition of New York Vice President Julie Lewis, who won a Republican primary for Broome County legislature on Tuesday, disagreed. She urged the EPA to focus solely on fracking, not the activity that surrounds it.

Lewis asked the EPA to tell the state Department of Environmental Conservation not to wait for the agency's study as it develops its Supplemental Generic Environmental Impact Statement. High-volume fracking is on hold in New York as the DEC reviews the document, which will set general regulations on the practice.

"New York state is two years ahead of the EPA as we speak today, and I think it means that the EPA needs to tell the DEC, 'Don't wait for us,'" Lewis said.

Members of both sides of the drilling debate often had the same message to the EPA: rely on the science, not political influence.(2 of 2)"We have heard from many people at these hearings who have not and will not learn the science of drilling or hydrofracking," said Dan Fitzsimmons, president of the Joint Landowners Coalition and Lewis' primary opponent. "Many of them are just ill-informed and will believe anything they are told." Sierra Club Atlantic Chapter member Jurgen Wekerle said the concern about fracking is simple.

"Everything we need to know about hydrofracking we learned in kindergarten: oil, gas and water do not mix," he said.

Protests outside of The Forum were light Wednesday on the second day of the meeting, with about 20 people each from both sides of the drilling debate wielding signs and chanting in barricaded areas on opposite ends of Washington Street.

Monday's sessions attracted about 900 total people and 200 speakers, each of whom received two minutes at a podium to make their case to an EPA panel.

The agency's public meeting, the last of four nationwide, will conclude Wednesday with a four-hour session at 6 p.m. Binghamton Police Chief Joseph Zikuski said Monday his department expects the final session to be the largest in terms of

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News Headline: Coal miners rally against EPA's 'strangulation by regulation' | U 🖂

Outlet Full Name: News Journal - Online

News OCR Text: WASHINGTON -- Hundreds of coal miners rallied on Capitol Hill on Wednesday against the Obama administration's attempts to rein in mountaintop removal mining, accusing the Environmental Protection Agency of trying to wipe out the coal industry. "This administration is trying to shut down coal and fire all of you," claimed Rep. Hal Rogers, R-Ky., adding that the EPA was practicing "strangulation by regulation."

The industry-backed group Faces of Coal paid for most of the travel and lodging expenses for the coal miners, who came from West Virginia, Virginia, Kentucky, Pennsylvania and Ohio. Speakers included politicians from both parties and country music singer Stella Parton.

Later, country music performer Big Kenny told a smaller, rival rally of opponents of mountaintop removal that the coal industry does not speak for all of Appalachia.

In mountaintop removal mining, forests are clear-cut, explosives blast apart the rock and machines scoop out the exposed coal. The earth left behind is dumped into valleys, covering intermittent streams. Coal operators say it's the most efficient way to reach some reserves and that it supports tens of thousands of jobs and provides coal for electric power plants across much of the South and East. But opponents say it is destroying land and harming water quality.

The coal industry has filed a lawsuit against the EPA's new policy, which tightened water quality standards for valley fills at surface coal mines in West Virginia, Kentucky, Pennsylvania, Ohio, Virginia and Tennessee. EPA Administrator Lisa Jackson has said the goal is a standard so strict that few, if any, permits would be issued for valley fills.

Ralliers wore blue Faces of Coal T-shirts, and some sported hard hats. They hoisted signs that said, "Coal Keeps the Lights on," and "Coal Miners 'Dig' Their Jobs."

When an opening prayer was given, it included thanks to God for natural resources such as coal.

"They're trying to take our jobs," yelled Haven King, a 65-year-old retired coal miner from Hazard, Ky. "We have to stand up."

West Virginia Gov. Joe Manchin, a Democrat, said that the EPA is stopping jobs.

"West Virginia will fight back, and every coal state must fight back," he said.

The state's senior senator, Democrat Jay Rockefeller, said that Jackson "doesn't understand the sensitivities economically of what unemployment means. Her job is relatively simple: clean everything up, keep it clean, don't do anything to disturb perfection. Well, you can't do coal and do that at the same time. God didn't make coal to be an easy thing to work with."

The EPA did not immediately respond to a request for comment.

Next January, the EPA plans to start regulating greenhouse gas emissions that are blamed for global warming, another cause of alarm for the coal miners. Rockefeller has sponsored legislation to suspend that for two years.

Sen. Jim Webb, D-Va., urged support for Rockefeller's measure.

"We are not going to let the EPA regulate coal out of business," he said. On Capitol Hill, hundreds assail limits that they say will wipe out industry

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News Headline: Don't move mountains | U 🔀

Outlet Full Name: Anchorage Daily News - Online

News OCR Text: The following editorial appeared in the Los Angeles Times on Tuesday, Sept. 14:

If the Spruce No. 1 Mine goes forward, it will be one of the largest strip-mining operations in Appalachia and an environmental disgrace. This mountaintop removal project and others like it should be stopped.

Mountaintop removal, a form of surface mining, means just what it sounds like. The tops of mountains, often in West Virginia, are stripped of their trees and then blasted off to get at the coal underneath. And that's not the worst part. The rubble, sludge and other detritus are dumped into the valleys and rivers below, where they bury tributaries and pollute streams.

If it had been made clear from the outset that companies engaging in mountaintop mining would be required to meet their obligations under the federal Clean Water Act by trucking out the debris and cleaning up the environmental damage they leave behind, few if any of these mines would have been proposed in the first place. The mitigation costs would have offset the profit. For the past decade, though, the federal government has issued blanket authorizations for these projects to dump the mountaintop debris. Now there are finally signs of change.

The Obama administration is calling the old permits what they are - permission to flout federal environmental law. It has vowed to review dozens of current permits, and in August it issued more stringent water-quality standards for mountaintop projects. Meanwhile, the Army Corps of Engineers has announced that it will stop issuing blanket permits.

The first big test of this new resolve will be the Spruce No. 1 Mine, which was authorized in 2007 by the Corps of Engineers. The U.S. Environmental Protection Agency has announced that it might reverse that decision - and it should. The project could cause unacceptable levels of damage to the aquatic ecosystem in the region, the agency says, in terms of both water quality and effects on fish and wildlife.

Miners and their supporters protest that the EPA is killing jobs and should be defunded. Their employment worries are understandable, but mountaintop removal comes at too high a cost - for the land, the water and the taxpayers, who end up footing the bill for environmental damage.

Instead of fighting for their right to level mountains, destroy forests and pollute watersheds, mining companies should be proposing environmentally acceptable ways to pull coal from the ground - until the country reaches the point where it doesn't need this fuel and its dirty footprint.

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News Headline: Coal miners rally against Obama administration | U

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"This administration is trying to shut down coal and fire all of you," claimed Rep. Hal Rogers, R-Ky., adding that the EPA was practicing "strangulation by regulation."

The industry-backed group Faces of Coal paid for most of the travel and lodging expenses for the coal miners, who came from West Virginia, Virginia, Kentucky, Pennsylvania and Ohio. Speakers included politicians from both parties and country music singer Stella Parton. A rival rally was planned later in the day by opponents of mountaintop removal, featuring country music performer Big Kenny.

In mountaintop removal mining, forests are clear-cut, explosives blast apart the rock, and machines scoop out the

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exposed coal. The earth left behind is dumped into valleys, covering intermittent streams. Coal operators say it's the most efficient way to reach some reserves, and that it supports tens of thousands of jobs and provides coal for electric power plants across much of the South and East. But opponents say it is destroying land and harming water quality.

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Sen. Jim Webb, D-Va., urged support for Rockefeller's measure.

"We are not going to let the EPA regulate coal out of business," he said.

Although the rally was billed as bipartisan and a number of Democrats spoke, there were some partisan comments, especially from Senate Minority Leader Mitch McConnell, R-Ky. He said that this administration and current Congress are the most anti-coal in history.

"Send them a message on November 2," he yelled to cheers.

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News Headline: Lawsuit: Gas drilling fluid ruined Pa. water wells | U N

Outlet Full Name: Austin American-Statesman - Online

News OCR Text: ALLENTOWN, Pa. — Thirteen families in the heart of the gas-rich Marcellus Shale say their water wells have been contaminated by poisonous fluids blasted deep underground by a drilling company using a technique at the center of a fierce nationwide debate.

A faulty gas well drilled by Houston-based Southwestern Energy Co. leaked toxic fracking fluid into local groundwater in northeastern Pennsylvania's Susquehanna County, exposing residents to dangerous chemicals and sickening a child, according to a lawsuit filed Tuesday.

The lawsuit — one of the first in the nation to link hydraulic fracturing, or fracking, to tainted groundwater — said the well's cement casing was defective. It also cites spills of industrial waste, diesel fuel and other hazardous substances.

"The fracking fluid leaked into the aquifer and contaminated wells within several thousand feet, if not more," said plaintiffs' attorney Peter Cambs of Port Washington, N.Y.

A Southwestern official denied any problems with the well and state environmental officials said they found no link between the well and any contamination.

Fracking is the process by which natural gas is extracted from dense shale deposits, including the vast Marcellus Shale in the Northeast. Millions of gallons of water, mixed with chemicals and sand, are pumped at high pressure thousands of feet underground to create fissures in the rock and release the gas.

Pennsylvania and West Virginia have seen thousands of wells drilled in recent years as the riches of the Marcellus Shale have become more accessible with the fracking technique. Some geologists estimate the Marcellus, which also lies beneath New York and Ohio, contains more than 500 trillion cubic feet of natural gas.

The oil and gas industry says hydraulic fracturing has been used safely for decades and that there has never been a proven case of groundwater contamination caused by fracking. Environmentalists fear otherwise.

The Susquehanna County claims come as the Environmental Protection Agency — just 40 miles away in Binghamton, N.Y. — holds the last of four national hearings on the impact of fracking on water and public health. Fracking is currently exempt from EPA regulation; the agency is considering how to structure a study requested by Congress, where bills are pending that would reverse the exemption.

The environmental group Riverkeeper released a report to EPA on Wednesday summarizing more than 100 cases of contamination related to natural gas drilling around the country. The report cites cases where federal and state regulators identified gas drilling operations as the known or suspected cause of groundwater, drinking water, and surface water contamination.

Riverkeeper documented more than 20 cases of tainted drinking water in Pennsylvania; more than 30 cases of groundwater and drinking water contamination in Colorado and Wyoming; and more than 10 surface water spills of drilling fluid in the Marcellus Shale region. Pennsylvania's Department of Environmental Protection has logged 1,435 violations of the state's oil and gas laws in the Marcellus Shale in the last two and a half years, the report says.

The report also documents more than 30 investigations of stray gas migration from new and abandoned wells in Pennsylvania and five explosions between 2006 and 2010 that contaminated ground or surface water.

"Despite industry rhetoric to the contrary, the environmental impacts of hydraulic fracturing are real," said Craig Michaels, an author of the report.

The lawsuit filed in Susquehanna County said water wells became contaminated with high levels of barium, manganese and strontium after Southwestern, in 2008, drilled its Price No. 1 well in Lenox Township. The contaminated water wells are less than 2,000 feet from the gas well.

The plaintiffs seek monetary damages, environmental cleanup and medical monitoring. The suit said the child who has been sickened has shown neurological symptoms "consistent with toxic exposure to heavy metals." A lawyer would not elaborate on the child's ailments.

John Nicholas, who oversees Marcellus development for Southwestern, told The Associated Press that the well is mechanically sound and that there's no evidence its drilling operations have harmed water supplies.

He said the company and state environmental regulators investigated complaints by residents living near the well, "and we failed to find any tie between our operations and these local water problems." He said the company tested the Price No. 1 well and found that "the mechanical integrity of the well is good."

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News Headline: Second day of EPA hearing sparsely attended | U M

Outlet Full Name: Ithaca Journal - Online

News OCR Text: BINGHAMTON — Day 2 of the U.S. Environmental Protection Agency's final public meeting on its hydraulic fracturing study is under way, with a few hundred in attendance spread across The Forum's lower level as various stakeholders take their turn at the podium.

Speakers from across New York and Pennsylvania have made their case to the EPA, with some urging the agency to expand their focus to the cumulative effects of the hydrofracking process, and others preferring the EPA to take a narrower approach.

Earlier this year, Congress issued a mandate requiring the EPA to study the potential effect fracking — a controversial natural gas drilling process in which a mix of sand, water and chemicals is blasted deep underground to break up shale and release natural gas — has on groundwater.

Wes Gillingham, program director for Catskill Mountainkeeper, asked the EPA to expand its study to look at what fracking does to the geology of the land.

"The EPA needs to go out and look at the geology," said Gillingham, who has made multiple trips to Albany to express his fracking opposition. "In this case, it&8217s not the economy, stupid; it's the geology stupid."

Joint Landowners Coalition Vice President Julie Lewis, who won a Republican primary for Broome County legislature on Tuesday, asked the EPA to focus just on fracking and not the activity that surrounds it, such as truck traffic and human error.

Lewis asked the EPA to tell the state Department of Environmental Conservation not to wait for the agency's study as it develops its Supplemental Generic Environmental Impact Statement. High-volume fracking is on hold in New York as the DEC reviews the document, which will set general regulations on the practice.

New York state is two years ahead of the EPA as we speak today, and I think it means that the EPA needs to tell the DEC, 'Don't wait for us,'" Lewis said.

A speaker from Otsego 2000 gave the EPA a set of books wrapped in red ribbon, complete with a bow. Another speaker said she brought puppets, but they were confiscated at the door.

Harpursville resident Emrys Tyler begged the EPA to perform a case study on his land, and offered home-baked cookies, scones and rhubarb pie in return.

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Protests outside of The Forum were light Wednesday on the second day of the meeting, with about 20 people each from both sides of the drilling debate wielding signs and chanting in barricaded areas on opposite ends of Washington Street.

Monday's sessions attracted about 900 total people and 200 speakers, each of whom received two minutes at a podium to make their case to an EPA panel.

Wednesday afternoon's session will run until about 4 p.m., while the four-hour evening session — the final one of the hearing — will start at 6 p.m.

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News Headline: Lawsuit: Gas drilling fluid ruined Pa. water wells | U

Outlet Full Name: Kansas City Star - Online

News OCR Text: Thirteen families in the heart of the gas-rich Marcellus Shale say their water wells have been contaminated by poisonous fluids blasted deep underground by a drilling company using a technique at the center of a fierce nationwide debate.

A faulty gas well drilled by Houston-based Southwestern Energy Co. leaked toxic fracking fluid into local groundwater in northeastern Pennsylvania's Susquehanna County, exposing residents to dangerous chemicals and sickening a child, according to a lawsuit filed Tuesday.

The lawsuit - one of the first in the nation to link hydraulic fracturing, or fracking, to tainted groundwater - said the well's cement casing was defective. It also cites spills of industrial waste, diesel fuel and other hazardous substances.

"The fracking fluid leaked into the aquifer and contaminated wells within several thousand feet, if not more," said plaintiffs' attorney Peter Cambs of Port Washington, N.Y.

A Southwestern official denied any problems with the well and state environmental officials said they found no link between the well and any contamination.

Fracking is the process by which natural gas is extracted from dense shale deposits, including the vast Marcellus Shale in the Northeast. Millions of gallons of water, mixed with chemicals and sand, are pumped at high pressure thousands of feet underground to create fissures in the rock and release the gas.

Pennsylvania and West Virginia have seen thousands of wells drilled in recent years as the riches of the Marcellus Shale have become more accessible with the fracking technique. Some geologists estimate the Marcellus, which also lies beneath New York and Ohio, contains more than 500 trillion cubic feet of natural gas.

The oil and gas industry says hydraulic fracturing has been used safely for decades and that there has never been a proven case of groundwater contamination caused by fracking. Environmentalists fear otherwise.

The Susquehanna County claims come as the Environmental Protection Agency - just 40 miles away in Binghamton, N.Y. - holds the last of four national hearings on the impact of fracking on water and public health. Fracking is currently exempt from EPA regulation; the agency is considering how to structure a study requested by Congress, where bills are pending that would reverse the exemption.

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to find any tie between our operations and these local water problems." He said the company tested the Price No. 1 well and found that "the mechanical integrity of the well is good."

Nicholas declined comment on the suit itself, saying the company has not seen it.

The Pennsylvania DEP sampled a plaintiff's well about two years ago and found an elevated level of manganese. DEP told the resident it was unable to establish that drilling "contributed to the degradation of your water supply," according to a letter from DEP provided by Cambs, the plaintiffs attorney.

"The data that we had from our samples did not allow us to conclude that the well had been contaminated by gas well drilling," DEP spokeswoman Helen Humphries said Wednesday.

More recent testing of the plaintiff's well by an independent lab, Appalachia Hydrogeologic and Environmental Consulting of Hallstead, Pa., found elevated levels of barium, iron, manganese and strontium.

"Appalachia recommends that water from the potable well NOT be used as a drinking water source until the barium and strontium levels are remedied," according to Appalachia's report.

Plaintiff Mary Donovan, 39, said she's drunk nothing but bottled water since Appalachia's April tests.

"The only thing I can do (with well water) is bathe with it and wash my clothes, and God knows if that's harmful to me," she said.

"These people don't care what they're doing to the environment and to people," she said.

The Lenox Township developments recall the situation in nearby Dimock Township, where state regulators say Houston-based Cabot Oil & Gas Corp. drilled faulty wells that allowed methane gas to escape into residential groundwater supplies. More than a dozen families in Dimock have filed suit. Cabot claims the high levels of methane detected in the wells might be naturally occurring.

Some of the cases in the Riverkeeper report were also included in a report submitted to the EPA last year by the Cadmus Group, hired by the agency to analyze reports of contamination believed to be related to hydraulic fracturing.

The Cadmus report identified 12 cases in six states - Colorado, New Mexico, Ohio, Pennsylvania, Texas and Wyoming - that may have such links. The report said there was insufficient information to definitively confirm or rule out hydraulic fracturing as the cause.

Online: http://www.riverkeeper.org/

Esch reported from Albany, N.Y.

Esch contributed to this story from Albany, N.Y.

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News Headline: Salvos Fly as Ethanol Ruling Nears | ⊎ ⊠

Outlet Full Name: New York Times - Online

News OCR Text: The Environmental Protection Agency has said it will rule by the end of this month on whether to allow gasoline retailers to sell a mixture that is 15 percent ethanol and 85 percent unleaded regular, a change from the current maximum of 10 percent ethanol. Coalitions have lined up? on one side, the corn farmers and ethanol producers, and on the other, the oil refiners, auto companies, manufacturers of gasoline-powered equipment and companies that use corn to raise livestock.

Some opponents are raising concerns that are not important to the E.P.A. ? for example, that putting more corn into the fuel supply will raise the cost of corn for feeding chickens or pigs. Another argument is that the ethanol could burn hot enough to hurt catalytic converters or eat away the seals in various parts of the engine, resulting in higher emissions. The auto companies maintain that the only way to know is to extend the testing of cars on the higher blend for several more months.

Older cars are thought to be more vulnerable because they were not designed with ethanol in mind, whereas cars sold today are engineered for concentrations of at least 10 percent ethanol. So foes of the change are campaigning for a delay. On Wednesday, a trade organization for the ethanol producers, the Renewable Fuels Association, will fire another salvo with the release of a study by Ricardo, a prominent British automotive engineering firm with major operations in Detroit. The firm took what it said was a representative sample of "platforms and manufacturers" and assessed their vulnerability, focusing on model years 1994 to 2000.

"Over all, moving from the use of E10 to E15 in the current U.S. light vehicle fleet is seen as a low risk from an engineering analysis perspective," the study said. "While certain risks do remain, they are manageable and exist in vehicles that are outside the normal bounds of 'standard' vehicles."

It also said that damage to catalytic converters in older cars could not be ruled out and that there was not enough data to determine whether evaporative emissions – that is, fumes from unburned fuel, which have smog ingredients – would increase.

Charles T. Drevna, the president of the National Petroleum and Refiners Association, said the issue went beyond cars. "Gasoline goes into a lot of other engines rather than just the automobile," he said. "If you're on a boat in they middle of the lake or the ocean or you're in a snowmobile and get stuck in the middle of the wilderness, it's a potential safety problem."

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The power equipment manufacturers also warn that hand-held power tools like chain saws or leaf blowers could malfunction or burn.

Blends with higher ethanol content may be inevitable, he said, but "let's be prudent and judicious and take people's health and safety into concern prior to introduction on a massive scale."

Not be outdone, the American Petroleum Institute, the trade association for the oil and gas industry, released a study last month that said that if the E.P.A. changed the 10 percent ethanol rule, it would have to change a lot of other rules, too, before the fuel could be sold. That includes the allowable formulas for reformulated gasoline, which is required in smog-prone areas; the rules governing gasoline detergent additives; and the federal specifications for commercial fuels. The rules on pipelines, storage tanks and retail dispensing facilities would also have to change, the group said.

The Renewable Fuels Association counters that the oil industry simply wants to maintain the status quo.

A previous version of this post misidentified the entity that publicized the assessment by Ricardo Inc. It was the Renewable Fuels Association, not Growth Energy.

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News Headline: DOT to propose plan to improve pipeline safety | U M

Outlet Full Name: Thomson Reuters - Online

News OCR Text: WASHINGTON (Reuters) - The Department of Transportation said on Wednesday it will propose pipeline safety legislation and strengthen its own rules following recent crude spills and California's deadly natural gas explosion.

"The Department's legislative proposal will complement its additional planned regulatory initiatives to continue to improve pipeline safety," said John Porcari, Deputy Secretary of Transportation.

"The department intends to take significant action to reassess its pipeline safety regulations to expand and strengthen them, as needed," he said.

The calls to improve pipeline safety follow a deadly natural gas pipeline explosion in San Bruno, California last week on a duct owned by Pacific Gas & Electric Co Canada's Enbridge had two leaks on pipelines bringing crude oil into the U.S. Midwest. Pipeline regulators said they were working to determine when the 670,000 barrel-per-day (bpd) Illinois pipeline that was shut in due to a leak on Thursday could restart, but no restart date has been set. Its 6B line in Michigan that spilled oil in July is still shut down.

Ray LaHood, Secretary of the Transportation Department, on Wednesday, presented the plan to Congress that would close up regulatory gaps and strengthen enforcement. The measure would include:

*Increasing the maximum administrative civil penalties for the most serious types of violations from \$100,000 per day/\$1 million for a series of violations to \$250,000 per day/\$2.5 million for a series of violations. Lisa Jackson, administrator with the Environmental Protection Agency, Patrick Daniel, chief executive of Enbridge, and Porcari are scheduled to testify before a House Committee on Transportation and Infrastructure on Wednesday.

(reporting by Timothy Gardner and Christopher Doering; Editing by Alden Bentley)

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News Headline: After blast, DOT seeks tougher pipeline oversight | U

Outlet Full Name: Fort Worth Star-Telegram - Online

News OCR Text: WASHINGTON -

Federal oversight of the nation's pipelines would be tightened and penalties for some violations more than doubled under an Obama administration plan sent to Congress Wednesday in response to a deadly explosion in California and a major oil spill in Michigan.

The legislation would increase from \$1 million to \$2.5 million the maximum fine for the most serious violations involving deaths, injuries or major environmental harm, the Department of Transportation said. It also would pay for an additional 40 inspectors and safety regulators over the next four years.

The proposal follows several accidents, including last week's huge gas explosion in suburban San Francisco, that have called attention to the nation's aging pipelines and how they are monitored. Transportation Secretary Ray LaHood said his department "needs stronger authority to ensure the continued safety and reliability of our nation's pipeline network."

The department's proposal would eliminate exemptions from safety regulations for pipelines that gather hazardous liquids upstream of transmission pipelines, DOT said.

It also would authorize the Pipeline and Hazardous Materials Safety Administration, which regulates interstate pipeline safety, to collect additional data on pipelines, including information on previously unregulated lines, the department said. And, it would provide for improved coordination with states and other agencies on inspector training and oversight of pipeline construction and expansion projects involving both gas and hazardous liquids pipelines.

The safety administration is part of the Transportation Department.

Deputy Transportation Secretary John Porcari told the House Transportation and Infrastructure Committee, which was holding a hearing Wednesday on the Michigan oil spill, that the department is also crafting new regulations to enhance pipeline safety, including requiring the installation of emergency flow restricting devices on some pipelines and changing the distance between valves. The regulations would be separate from the legislative proposal.

The department is also considering extending "high consequence area" designations to additional stretches of pipeline, Porcari told the committee in prepared testimony. Regulations put in place after several gas pipeline accidents a decade ago require oil and gas companies to inspect the integrity of pipelines in densely populated areas. Those inspections, which are conducted by the companies themselves, began in 2002 and are supposed to be completed by 2012.

The Pacific Gas & Electric Co. gas pipeline explosion killed at least four people in San Bruno, Calif., and destroyed nearly 40 homes. That pipeline is regulated by the state utility commission.

An oil spill from a pipeline owned by a Canadian company near Marshal, Mich., sent an estimated 820,000 to 1 million gallons spewing into the Kalamazoo River in late July.

Another spill from a pipeline by the same company, Enbridge Inc., was reported within the last week in suburban Chicago.

Some Republican committee criticized the department for waiting until Congress is less than three weeks away from recessing for midterm elections to submit the proposal. They said the pipeline agency has also been promising to submit a bill for months that would extend authority for its operations, due to expire on Sept. 30.

Rep. James Oberstar, D-Minn., chairman of the committee, said the committee will get to work on a bill.

"I do think there is urgency," Oberstar said.

Denise Green of Ceresco, Mich. testifies on Capitol Hill in Washington, Wednesday, Sept. 15, 2010, before the Transportation and Infrastructure Committee hearing on the recent Enbridge pipeline failure in Marshall, Michig...

From left; National Transportation Safety Board (NTSB) Chair Deborah Hersman, Transportation Deputy Secretary John Porcari, Environmental Protection Agency (EPA) Administrator Lisa Jackson, National Institute of Health (NIH) Senior Scientist Scott Matsen, and Calhoun County, Mich. Administrator/Controller Kelli Scott are sworn in on Capitol Hill in Washington, Wednesday, Sept. 15, 2010, prior to testifying before the House Transportation and Infrastructure Committee hearing on the recent Enbridge pipeline failure in Marshall, Michig...

Michigan residents, from left, Debra Miller of Ceresco, Susan Connolly of Marshall, Michelle BarlondSmith of Battle Creek, James Lee of Marshall, and Darla Thorpe of Ceresco, testify on Capitol Hill in Washington, Wednesday, Sept. 15, 2010, before the House Transportation and Infrastructure Committee hearing on the recent Enbridge pipeline failure in Marshall, Michig...

Susan Connolly of Marshall, Mich. testifies on Capitol Hill in Washington, Wednesday, Sept. 15, 2010, before the House Transportation and Infrastructure Committee hearing on the recent Enbridge pipeline failure in Marshall, Michig...

FILE - In this July 29, 2010 file photo, crews work on a boom in the Kalamazoo River in Battle Creek, Mich., trying to capture oil from a ruptured pipeline, owned by Enbridge I...

Utility workers walk past a destroyed car in San Bruno, Calif., Tuesday, Sept. 14, 2010 where a pipeline exploded on Thursday. The tragic explosion of a gas pipeline has shed light on a problem usually kept underground. Communities have expanded over pipes built decades earlier when no one lived there. Utilities have been under pressure for years to better inspect and replace aging gas pipes, many of them laid years before sprawling communities were erected around them, that now are at risk of leaking or erupti...

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News Headline: Calif. pesticide opponents deploy Florida report | U

Outlet Full Name: Bloomberg BusinessWeek - Online

News OCR Text: LOS ANGELES

Tests found dangerous levels of the compound iodide in groundwater near where an agricultural pesticide had been applied that is pending approval in California, according to a report completed in Florida, where the pesticide is already in use.

The report, which was circulated by environmental and farmworker advocacy groups seeking to stop the pesticide methyl iodide from being registered for use in California, also found high concentrations of the fumigant in the air near its application. Methyl iodide is included on California's list of cancer-causing chemicals.

The findings "should be wake-up call that methyl iodide should not be registered here and that registration should be canceled in Florida and nationwide," said Anne Katten, pesticide and workplace safety specialist for the California Rural Legal Assistance

Foundation.

Methyl iodide's Tokyo-based manufacturer, Arysta LifeScience Corp., funded the pesticide safety study as a condition of the chemical's approval for use on Florida farms.

Arysta business development chief Jeff Tweedy criticized the groups' analysis of the data, saying the fumigant was not to blame for the high groundwater iodide levels and that the air concentrations were below levels tentatively approved by the California Department of Pesticide Regulations.

"They're misrepresenting the product," Tweedy said of the groups. Tweedy noted that tests taken before and after an application of the pesticide did not show an increase.

However Florida agriculture officials said it's too early to be sure that the iodide found in the water was not caused by methyl iodide.

The study found that groundwater near fumigated fields in Sarasota County, one of two Florida sites tested, contained iodide concentrations between 6 and 1,500 times those typically found in fresh water and between 2 and 2 1/2 those found in sea water.

High levels of iodide, a component of broken down methyl iodide, can cause thyroid disease and could contribute to miscarriages, fetal death and developmental disabilities, said Susan E. Kegley, a scientist with the Pesticide Action Network.

A 1-year-old child who drank a liter of the Sarasota site's groundwater would also be getting 20 percent more iodide than the Centers for Disease Control considers safe for that age, Kegley said.

The study also found methyl iodide levels in the air near the pesticide's applications that exceeded those endorsed by a scientific review panel that reported to California's Pesticide Regulation Department, although they are within levels to which the department ultimately gave tentative approval in April.

The U.S. Environmental Protection Agency affirmed methyl iodide for use in most of the country in 2007, but California regulators opted to put it through their own registration process.

Pesticide regulation spokeswoman Lea Brooks said the department's final decision on the pesticide is not expected until later this year.

Brooks said the department had not seen the Florida monitoring data, but would consider them as part of its final decision on the pesticide, which is not expected until later this year.

California's \$1.6 billion strawberry industry would probably be the main user of methyl iodide, which is promoted as a substitute for methyl bromide. Methyl bromide is being phased out under an international treaty because it depletes the earth's protective ozone layer.

Methyl iodide's current users are growers of tomatoes, peppers, eggplants and other crops in Florida and other Southeastern states.

Davis Daiker, scientific evaluation administrator at Florida's agriculture department's pesticides bureau, said his agency was still reviewing the study.

He said a water well in Sarasota County showed high iodide levels after two subsequent methyl iodide applications nearby, but another well in Miami-Dade County, near the site of just one application, showed normal levels.

Daiker said he would be paying close attention to whether the Miami-Dade County well's iodide levels increased after repeated applications.

"It really is premature to try to evaluate at this point the meaning of those results," he said.

Daiker also said the nearby air concentrations fell within levels considered safe in his state.

A message left with the EPA was not immediately returned. The agency is reviewing components of California's approval process to see if they have any bearing on its own earlier approval of the compound.

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News Headline: COAL: EPA hears options for ash byproduct | U

Outlet Full Name: Greenwire

News OCR Text: U.S. EPA heard from more than 200 speakers yesterday at a daylong hearing in Charlotte, N.C., on ways to regulate coal ash, a byproduct of the combustion of coal in power plants.

Public records show that the ash has contaminated numerous lakes and groundwater in different states. A Tennessee Valley Authority incident in December 2008 gained the most public attention, as 5.4 million cubic yards of ash were dumped into the Emory River. Cleanup there is expected to hit close to \$1 billion.

EPA is considering either having the federal government require special handling of the ash as it does for hazardous waste -- the preference of environmentalists -- or having states take control, as industries that use ash would like.

In 2008, U.S. utilities produced 136 million tons of coal ash. About a third of that ash could be made into concrete and other recycled products, the route EPA favors for the ash. Speakers yesterday agreed with EPA, but the majority of speakers at the evening sessions said they wanted stricter regulation. Businesses said that consumers would not want to buy material made from recycled hazardous material.

"People are not going to split that hair," said James Simon, operations manager of Separation Technologies LLC, which recycles ash for use in concrete. "And the reduction in business means that it's just going to go into landfills. There's no other place for it to go" (Bruce Henderson, Charlotte Observer, Sept. 15). -- AP

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News Headline: Hazardous or not? | ⊍ ⊠

Outlet Full Name: Milwaukee Journal Sentinel - Online

News OCR Text: The federal Environmental Protection Agency is considering two options that each would increase federal standards and scrutiny of the disposal of waste from coal-fired power plants. One option (Subtitle C in EPA parlance) would classify the waste - generally known as coal ash or fly ash - as hazardous and provide strict federal permitting and oversight of its disposal. The other (Subtitle D) would not label the byproduct as hazardous and would allow states to generally oversee coal ash, while still providing federal intervention in certain situations.

The best option, however, would be a hybrid that provides federal intervention and enforcement in states that don't do enough to protect the environment while allowing states that do a good job - such as Wisconsin - to continue what they're doing. We believe the state will make that point in testimony at a hearing on the proposed rules Thursday in Chicago. The feds should pay close attention to what Wisconsin tells them.

If coal ash is a hazardous waste under EPA definitions, it should be classified as one with all the attendant regulations that accompany such a classification. But analysis by the state Department of Natural Resources says it does not meet the definitions, according to Ann Coakley, director of the Bureau of Waste and Materials Management at the DNR. The EPA has several times in the past declined to classify the substance as hazardous.

Environmentalists argue that newer tests make a good case for the hazardous waste classification. The EPA should look at those tests to see if the science bears out those claims. The Sierra Club and Clean Wisconsin also make a good case that too many states do a poor job of making sure that coal ash is handled properly and that federal oversight is warranted.

We agree - in those states doing a poor job. But although there might be spot problems, Wisconsin utilities - We Energies in particular - generally do an exemplary job of recycling coal ash into other products such as cement. The utilities make a good case, and the state agrees, that demand for the recycled product would be hurt if it was classified as a hazardous waste. The state also believes that electricity rates would go up and that at least 10 hazardous waste landfills would have to be built in Wisconsin under option C. We Energies estimates that option C would cost the utility \$300 million a year.

By all means, the feds should improve their general oversight of coal ash and should step in where it is warranted. But model states such as Wisconsin should not be overly burdened with new regulations that could hurt effective recycling efforts of a waste product.

Should the EPA classify coal ash as a hazardous substance? To be considered for publication as a letter to the editor, e-mail your opinion to the Journal Sentinel editorial department.

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News Headline: Coal Ash Should be Better Regulated by EPA, Say Investors | U Z

Outlet Full Name: Thomson Reuters - Online

News OCR Text:

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News Headline: Asian Carp summit at White House: Chicago area waterway projects | 🗓 🖂

Outlet Full Name: Chicago Sun-Times - Online

News OCR Text: below, from the White House Council of Environmental Quality......

Obama Administration Officials Outline Progress and Continued Efforts to Combat Asian Carp in Meeting with Great Lakes Governors

WASHINGTON - Nancy Sutley, Chair of the White House Council on Environmental Quality (CEQ), John Goss, the recently appointed Asian Carp Director at CEQ, and other Obama Administration officials hosted Michigan Governor Jennifer M. Granholm. Ohio Governor Ted Strickland and other Great Lakes state representatives at the White

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House today to discuss progress in implementing the Administration's coordinated strategy for preventing invasive Asian carp from establishing populations in the Great Lakes.

Meeting attendees included representatives from the U.S. Army Corps of Engineers, the Department of Transportation, the Environmental Protection Agency, the Department of the Interior, and the U.S. Coast Guard, and officials from the States of Wisconsin, Illinois, Indiana, New York and Minnesota.

The Obama Administration is executing a coordinated Asian Carp Control Strategy Framework of short- and long-term actions that unify Federal, state and local action in an unparalleled effort to combat invasive species. The Framework was developed in February, 2010 and updated in May, 2010, by the Asian Carp Regional Coordinating Committee (RCC), a team of Federal, state and local agencies working together to prevent Asian carp from establishing populations in the Great Lakes.

The Framework utilizes a three-fold approach, including:

Targeted removal of Asian carp in the Chicago Area Waterway System and other potential pathways through electro fishing, netting, and application of Rotenone, a fish poison.

Strengthening of the fish barrier system, including strengthening electric barriers, building physical barriers to prevent carp movement during flooding, and identifying and closing off smaller waterway connections to the Great Lakes.

Developing long-term biological controls such as Asian carp-specific poisons, methods to disrupt spawning and egg viability, sonic barriers, and assessment of food sources and potential habitats.

The Administration has accomplished, or is on track to meet, all of the Framework milestones. Examples of progress to-date include:

Commercial fishing crews removed approximately 104,000 pounds of Asian carp in the stretch of Illinois River between the Marseilles and Lockport Pools since May, 2010.

More than 3,200 hours of labor have been deployed since February, 2010, for the monitoring and sampling of the waters above the electric barrier for Asian carp.

In May, 2010, Federal, state and local partners utilized rotenone, a fish poison, to monitor for Asian carp in the Chicago area, recovering 134,000 pounds of fish from 40 species without finding any bighead or silver carp.

The Army Corps awarded a \$13.2 million contract in April, 2010, for construction of concrete and chain-link fencing between the Chicago Sanitary and Ship Canal and Des Plaines River to prevent fish passage around the electric barrier in flooding events where the two water bodies mix. Construction is on track for completion in October, 2010.

Construction and operation of a third electric barrier is underway and on schedule to be completed in October 2010.

More information about the Administration's progress in combating Asian carp is available at: www.asiancarp.org Return to Top

News Headline: Great Lakes Governors Called to Carp Summit | U

Outlet Full Name: Chicago Tribune - Online

News OCR Text: Michigan Governor Jennifer Granholm, Ohio Governor Ted Strickland, and representatives from the other Great Lakes states are in Washington today for a summit on the Asian carp threat. Today's meeting comes on the heels of arguments in federal court in Chicago over whether or not the government should close shipping locks in Illinois that could allow the invasive fish to enter the Great Lakes. Ohio, Michigan, Minnesota, Pennsylvania and Wisconsin say that would ensure the carp can't overrun the Great Lakes. Witnesses testified that such an invasion would devastate a \$7 billion-a-year fishing industry. But the city of Chicago, barge companies and others called experts who said closing the locks would undermine flood-control measures and cost businesses billions. After three days of testimony last week on both sides of the issue, Judge Robert Dow told lawyers that he would hear oral arguments sometime in October. The Governors are meeting with Nancy Sutley, Chair of the White House Council on Environmental Quality (CEQ), and John Goss, the recently appointed Asian Carp Director for the agency. They'll be joined by other Obama Administration officials in the Eisenhower Executive Office Building on the White House Complex. Representatives are also expected from the U.S. Army Corps of Engineers, the Department of Transportation, the EPA, the Department of the Interior, and the U.S. Coast Guard.

News Headline: Louisiana's sand berms challenged: John Maginnis | U 🔀

Outlet Full Name: Times-Picayune - Online

News OCR Text: With BP's once-gushing Gulf well now capped, the amount of oil in the sea has dissipated, though no one can say how much remains subsurface or what threat it poses to the coast, particularly if a hurricane hits this season.

Photo courtesty of the office of Gov. Bobby Jindal Some scientists have raised questions about sand berms being build off Louisiana's coast.

While federal and state officials are prudent to keep up their guard, the crisis has passed and much less of an

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emergency exists.

Yet one large part of the state's and BP's spill response presses on at maximum speed: the emergency-authorized dredging operation to build 35 miles of sand berms off the coast in an effort, as originally stated by Gov. Bobby Jindal, to block waves of oil from entering the marsh.

Many in the scientific community have raised questions about the effectiveness of the berms and alarm about their potential environmental effects. Now that the state, as required by law, is seeking a regular permit to replace the emergency authorization, the critics have been weighing in, and it hasn't been pretty.

Besides comments in opposition by coastal scientists, the U.S. Environmental Protection Agency questions the timeliness of continued construction in light of reduced amounts of oil reaching the wetlands, a view in which the U.S. Wildlife & Fisheries Service concurs. The U.S. Geological Survey points to the scarce sand resources that the dredging operation could deplete, while the National Oceanic and Atmospheric Administration cites possible damage to wildlife habitat.

With only, under the most positive estimate, 7 miles of berm work completed above surface and 6 miles underneath, how much good can the partial construction be doing if less oil, most of it dispersed, is being found in the water?

According to Garret Graves, the governor's top coastal aide, workers have recovered 700 barrels of oil from berms west of the mouth of the Mississippi River, while berms to the east have captured 1,500 pounds of oily debris.

At a cost of \$120 million so far, however, scientists are less impressed than is Graves with those results. With the remaining oil dissipating, how much more will be blocked for the additional \$240 million BP is budgeted to spend building berms?

To put \$120 million in perspective, that equals the most money spent by the state on any completed coastal restoration project, which was the Davis Pond Diversion. It is not that the berms did not do some good, but have they been the best investment for the results achieved?

But, according to Graves, it's the state's next step -- not detailed in the permit application -- where the berm plan moves closer to solid scientific ground.

Although 100 miles of berms were applied for initially, the state plans to complete only the 35 miles authorized. From that point, it is asking BP to put up at least \$120 million more to begin transforming the berms into barrier islands, following protocols called for by EPA.

Already included in the state's coastal priority plan is the Barataria Basin shoreline restoration, which tracks the berms under construction west of the river's mouth. To the east, according to Graves, the state and the U.S. Fish & Wildlife Service want to develop a marsh area between the berm under construction and the Chandeleur Islands close by. With the pipes and dredges already in place, he says, it would be more economical to keep building once the berms are done.

Why would BP agree to spend millions more to turn berms into barrier islands? Because they are on the hook for billions in fines and, ultimately, the state's lawsuit, the damages for which are spelled out in federal law.

The Natural Resource Damage Assessment process could take years, but Graves sees it in BP's best interest "to come to the table and make a down payment" in the form of continued coastal funding, which would be credited against the company's legal liability.

Graves accepts criticism for not reaching out more to the scientific community, but not for playing politics with coastal engineering. He said, "Everything we are doing is geared toward a long-term sustainable coastal footprint and not to do anything short term to jeopardize those long-term goals." His boss could not say it better; let's see if they can get it done.

John Maginnis is an independent journalist covering Louisiana politics. He can be contacted at www.LaPolitics.com. Return to Top

News Headline: Looking for the culprit in Bayou Chaland fish-kill: An editorial | U 🖂

Outlet Full Name: Times-Picayune - Online

News OCR Text: The cause of a huge fish kill in Plaquemines Parish hasn't been determined, but the fish -- estimated in the hundreds of thousands -- perished in an area that was affected by the BP oil spill.

Plaquemines Parish governmentThousands of fish were found dead at Bayou Chaland in Plaquemines Parish.

For that reason, it's important to determine whether the spill played any role in the demise of the fish, which were first spotted covering the surface of Bayou Chaland on Friday. The dead fish included a wide variety of species: pogies, redfish, drum, crabs, shrimp and freshwater eel.

Plaquemines Parish officials have asked the Louisiana Department of Wildlife and Fisheries to make a fast determination of the cause, and they've also requested that the Environmental Protection Agency and the National Oceanic and Atmospheric Administration conduct testing.

If the state determines that the fish died from low oxygen levels in the water, the reason for that condition, and whether it was caused by the oil spill, needs to be determined. If the spill is implicated, that's more damage to put on BP's tab.

This fish kill comes just weeks after another one in St. Bernard Parish at the Mississippi River-Gulf Outlet. Those fish died from low oxygen, and a state biologist said that heat and high nutrient levels could have caused that hypoxia. If so, there's an indirect connection to the spill since the state opened several river diversions that allowed nutrient-rich water in.

Oil also was spotted in that area, and although Parish President Craig Taffaro cautioned against jumping to conclusions, he said it points to the need for monitoring.

He's right, and the state and federal government should be vigilant for any connection to the spill. Return to Top

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